J. V. Bickford.

2 vols

A

COLLECTION

Of All the

Eccleſiaſtical Laws, Canons, Anſwers, or *Reſcripts,*

With other MEMORIALS concerning the Government, Diſcipline and Worſhip of the

Church of *England,*

From its firſt Foundation to the CONQUEST, that have hitherto been publiſh'd in the *Latin* and *Saxonic* Tongues.

And of all the

Canons and Conſtitutions Eccleſiaſtical, made ſince the CONQUEST and before the REFORMATION, in any National Council, or in the Provincial Synods of

Canterbury and *York,*

That have hitherto been publiſh'd in the *Latin* Tongue.

Now firſt Tranſlated into *Engliſh* with Explanatory NOTES, and ſuch Gloſſes from *Lyndwood* and *Athone*, as were thought moſt uſeful.

PART the Firſt.

By JOHN JOHNSON, M. A. Vicar of *Cranbrook* in the Dioceſe of *Canterbury*.

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THE CONTENTS OF THE FIRST VOLUME.

Anno Domini DCI.

1. THE *Answers of* Gregory I. *Pope of* Rome, *to the Questions of* Augustin, *first Archbishop of* Canterbury. *From* Bede's *Hist. L.* 1. *c.* 27. *With a Preface by the Translator.*

A. D. DCII.

2. *The Dooms Ecclesiastical of* Ethelbert *the first Christian King of* Kent, *separated from those that are merely Temporal. From Sir* H. Spelman *Concil. Vol.* I. *pag.* 127. *and Dr.* Hicks's Dissertatio Epistolaris, *pag.* 89. *With a Preface by the Translator.*

A. D. DCLXXIII.

3. *Archbishop* Theodore's *Canons made in the National Ecclesiastical Synod held at* Herudford. *From* Bede's *History, Lib.* 4. *c.* 4. *With a Preface by the Translator.*

The Contents of

A. D. DCLXXIX.

4. *The Decree of a Council held at* Rome *about* British *Affairs. From Sir* H. S. *Vol.* I. *p.* 158. *With a Preface and Postscript by the Translator.*

A. D. DCLXXX.

5. *The Decrees of a Council held at* Rome *in favour of* Wilfrid. *From Sir* H. S. *Vol.* I. *page* 160. *With a Preface and Postscript by the Translator.*

A. D. DCXCIII.

6. *The Laws Ecclesiastical of* Ine, *King of the* West-Saxons, *separated from the Temporal Laws of that Prince. From Sir* H. S. *Vol.* I. *page* 182. *With a Preface by the Translator.*

A. D. DCXCII.

7. *A Grant of Privileges made by King* Wihtred, *in an Assembly of the States of his Kingdom of* Kent *at* Beccanceld. *From* Chronicon Saxon. *page* 48. *With a Postscript by the Translator.*

A. D. DCXCVI.

8. *The Dooms Ecclesiastical of King* Wihtred, *in an Assembly of the States and People of his Kingdom of* Kent *at* Berghamsted. *From Sir* H. S. *Vol.* I. *page* 194. *corrected by Mr.* Somner, *&c. With a Preface by the Translator.*

A. D.

A. D. DCCXXV.

9. *The Laws of Satisfaction for Violation of Orders. From Sir* H. S. *Vol.* I. *page* 206. *corrected by Mr.* Somner. *With a Preface by the Translator.*

A. D. DCCXXXIV.

10. Ecgbriht's *Answers, or a Succinct Dialogue of Ecclesiastical Institutions by the Lord* Ecgbriht, *Archbishop of* York. *From* Opuscula Bedæ, *published by Sir* James Ware, 1664. *With a Preface and Postscript by the Translator.*

A. D. DCCXL.

11. *The Excerptions of the Lord* Ecgbriht, *Archbishop of* York, *collected out of the Sayings and Canons of the Holy Fathers. From Sir* H. S. *Vol.* I. *page* 258, *corrected according to the MS. Copy in the* Cot. *Library. With a Preface by the Translator.*

To which is added,

12. *An Account of* Ecgbriht's *Excerptions, as they stand in a MS. of* Corpus Christi College, Cambridge, *marked* K 2.

A. D. DCCXLII.

13. *A Grant of Privileges by* Ethelbald *King of* Mercia, *in a Great Council at* Cloves-hoo. *From Sir* H. S. *Vol.* I. *pag.* 230. *With a Preface by the Translator.*

A. D. DCCXLVII.

14. *Canons made by* Cuthbert, *Archbishop of* Cant. *in a Provincial Synod at* Cloves-hoo. *From Sir* H. S. *Vol.* I. *page* 245, *corrected by the MS. Copy in the* Cot. *Library. With a Preface and Postscript by the Translator.*

A. D. DCCLXXXV.

15. *Legatin Canons at* Cealchythe, *confirm'd in two distinct Synods, by the Archbishop, and Bishops of each Province, the* Roman *Legates presiding. From Sir* H. S. *Vol.* I. *page* 292. *With a Preface and Postscript by the Translator.*

A. D. DCCXCVI.

16. *A Confirmation of Privileges by Archbishop* Athelard, *in a Provincial Synod held at* Beccanceld *in* Kent. *From* Chronicon Saxonicum, *page* 67. *With a Preface by the Translator.*

A. D. DCCCIII.

17 *The Final Settlement of the Primacy of the Entire Province at* Canterbury, *in a Provincial Synod held at* Cloves-hoo. *From a Manuscript in the* Cot. *Library, marked* Aug. II. *With a Preface and Postscr. by the Translator.*

A. D. DCCCXVI.

18 *Canons made by* Wulfrid, *Archbishop of* Canterbury, *in a Provincial Synod at* Cealchythe. *From Sir* H. S. *Vol.* I. *page* 337. *With a Postscript by the Translator.*

A. D.

A. D. DCCCLXXVII.

19. *The Laws Ecclesiastical of King* Alfred *the Great, separated from the Temporal Laws of That Prince. From Sir* H. S. *Vol.* I. *page* 354. *With a Preface by the Translator.*

A. D. DCCCLXXVIII.

20. *The Laws Ecclesiastical of King* Alfred, *and* Guthrun *the* Dane. *From Sir* H. S. *Vol.* I. *pag.* 30. *With a Preface by the Translator.*

A. D. DCCCCVIII.

21. *Provision for filling Vacant Sees. From Sir* H. S. *Vol.* I. *page* 388.

A. D. DCCCCXXV.

22. *The Laws Ecclesiastical of* Athelstan *King of* England, *made in a Great Council at* Grathea, *separated from the Temporal Laws then and there made. From Sir* H. S. *Vol.* I. *page* 396.

A. D. DCCCCXXVI.

23. *Laws Ecclesiastical and Memorials of King* Athelstan, *made, or drawn at* Exeter, *and elsewhere. From* Lambard, *Sir* H. S. *and Dr.* Hicks's Dissertatio Epistolaris.

A. D. DCCCCXL.

24. *A Canon of* English *Bishops made in some unknown Council. From Sir* H. S. *Vol.* I. *p.* 407.

A. D.

A. D. DCCCCXLIII.

25. *Canons made by* Odo *Archbishop of* Canterbury, *in an Ecclesiastical Synod. From Sir* H. S. *Vol.* I. *page* 415.

A. D. DCCCCXLIV.

26. *Laws Ecclesiastical of* Eadmund *King of* England, *separated from the Temporal contain'd in the same Sett. From Sir* H. S. *Vol.* I. *p.* 419.

A. D. DCCCCXLV.

27. *Laws Ecclesiastical of* Eadmund *King of* England, *separated from the Temporal Laws contain'd in the same Sett. From Mr.* Lambard, *and Mr.* Wheloc.

A. D. DCCCCXLVI.

28. *Ancient Laws of Espousal. From Sir* H.S. *Vol.* I. *page* 425. *corrected by Mr.* Somner.

A. D. DCCCCL.

29. *The Laws of the* Northumbrian *Priests. From Sir* H. S. *Vol.* I. *page* 495. *With a Preface by the Translator.*

A. D. DCCCCLVII.

30. Elfric's *Canons, or a Bishop's Charge to his Clergy. From Sir* H. S. *Vol.* I. *page* 572. *With a Supplement from a MS. in* CCCC. *With a Preface by the Translator.*

A. D.

A. D. DCCCCLVIII.

31. *The Laws Ecclesiastical of* Edgar *King of* England. *From Sir* H. S. *Vol.* I. *page* 444. *This and the two following Setts have Advertisements, rather than Prefaces, prefix'd to them by the Translator.*

A. D. DCCCCLX.

32. *Canons made in the Reign of King* Edgar. *From Sir* H. S. *Vol.* I. *page* 447.

A. D. DCCCCLXIII.

33. *Penitential Canons made in the Reign of King* Edgar, *which seem to have been Archbishop* Dunstan's *Penitential. From Sir* H. S. *Vol.* I. *page* 456.

A. D. DCCCCXCIV.

34. *The Capitula of* Theodulf *Bishop of* Orleans, *as translated into the* Saxon *by* Elfric. *From Sir* H. S. *Vol.* I. *page* 585. *where they are entitled,* Capitula Incertæ Editionis. *With a Preface by the Translator.*

A. D. MIX.

35. *Laws Ecclesiastical, or Canons made in a National Assembly of* Ethelred *King of* England, *the Archbishops, Bishops, and Wise-men at* Eanham. *From Sir* H. S. *Vol.* I. *p.* 513. *With a Preface by the Translator.*

A. D.

The Contents, &c.

A. D. MXIV.

36. *Laws Ecclesiastical of King* Ethelred, *made in a State Assembly at* Habam; *alias* Badam. *From Sir* H. S. *pag.* 530. *With a Preface by the Translator.*

A. D. MXVII.

37. *Laws Ecclesiastical of King* Cnute, *separated from the Temporal Laws made at the same time. From Sir* H. S. *Vol.* I. *page* 539.

A. D. MXVIII.

38. *Laws Ecclesiastical of King* Cnute, *separated from the Temporal Laws made at the same time. From Mr.* Lambard *and Mr.* Wheloc.

A. D. MLXIV.

39. *Supposed Laws of King* Edward *the Confessor, collected after the Conquest. From Sir* H. S. *Vol.* I. *page* 619. *With a Preface by the Translator.*

A. D. MLXV.

40. *Supposed Laws of King* Edward *the Confessor, collected after the Conquest. From Sir* H. S. *Vol.* I. *page* 624. *With a Preface by the Translator.*

Anno

THE CONTENTS OF THE SECOND VOLUME.

Anno Domini MLXX.

1. ARchbishop Lanfranc's *Canons in a Synod at* Winchester. *From Sir* H. S. *Vol.* II. *page* 12. *With a Preface by the Translator.*

A. D. MLXXI.

2. *Archbishop* Lanfranc's *Canons in a Synod at* Winchester. *From Sir* H. S. *Vol.* II. *page* 12.

N.B. Of the two Setts of Canons abovemention'd we have the Abridgment only.

A. D. MLXXII.

3. *Soldier's Penance. From Sir* H. S. *Vol.* II. *p.* 12, 13.

A. D. MLXXV.

4. *Archbishop* Lanfranc's *Canons made in a National Synod at* London. *From Sir* H. S. *Vol.* II. *pag.* 7.

A. D. MLXXVI.

5. *Archbishop* Lanfranc's *Canons in a National Synod at* Winchester. *From Sir* H. S. *Vol.* II. *page* 13.

A. D. MLXXXV.

6. *King* William *the First's Mandate for separating the Ecclesiastical-Court from the Hundred-Court. From Sir* H. S. *Vol.* II. *page* 14.

The CONTENTS of

A. D. MCII.

7. *Archbishop* Anselm's *Canons made in a National Synod at* Westminster, *King* Henry *the First, and the Principal Men of the Kingdom being present, at the Archbishop's Request. From Sir* H. S. *Vol.* II. *page* 23. *With a Preface by the Translator.*

A. D. MCVII.

8. *Compromise of Investitures between the King, Archbishop and Bishops. From Sir* H. S. *Vol.* II. *pag.* 27. *With a Preface and Postscript by the Translator.*

A. D. MCVIII.

9. *Archbishop* Anselm's *Canons made in a National Synod at* London, *King* Henry *the First, and his Barons being present. From Sir* H. S. *Vol.* II. *p.* 29.

A. D. MCXXVI.

10. *Legatine Canons at* London, *or rather at* Westminster, *in a National Synod of the* Welsh, *as well as* English *Bishops, call'd by Archbishop* Corboyl, *tho' the Legate presided in it. From Sir* H. S. *Vol.* II. *page* 33.

A. D. MCXXVII.

11. *Archbishop* Corboyl's *Canons in a National Synod at* Westminster. *From Sir* H. S. *Vol.* II. *p.* 35.

A. D. MCXXXVIII.

12. *Legatine Canons made in a National Synod at* Westminster, *in the Vacancy of the See of* Canterbury, *the Legate presiding. From Sir* H. S. *Vol.* II. *page* 41. *With a Postscript by the Translator.*

A. D. MCXLIII.

13. *Legatine Canons in an Ecclesiastical Synod at* Winchester, *held by* Henry *Bishop of that See as Legate from the Pope. From Sir* H. S. *Vol.* II. *page* 47.

A. D. MCXLIV.

14. *The Articles of* Clarendon *made in a National State-Assembly. From Sir* H. S. *Vol.* 2. *page* 63. *With a Preface and Postscript by the Translator.*

A. D.

A. D. MCLXXV.

15. *Archbishop* Richard's *Canons made in a Provincial Synod at* London. *From Sir* H. S. *Vol.* II. *p.* 103. *With a Postscript by the Translator.*

A. D. MCLXXXVIII.

16. *King* Henry *the Second's Crusade, for Recovery of the Holy Land. From Sir* H. S. *Vol.* II. *page* 117. *With a Postscript by the Translator.*

A. D. MCXCV.

17. Hubert Walter *Archbishop of* Canterbury's *Legatine Canons made at* York, *no other Bishop being there present. From Sir* H. S. *Vol.* II. *page* 121. *With a Preface by the Translator.*

A. D. MCC.

18. *The Canons of* Hubert Walter *Archbishop of* Canterbury, *made in a General, or National Synod at* Westminster. *From Sir* H. S. *Vol.* II. *page* 123.

A. D. MCCI.

19. Eustace *Abbot of* Flay's *Sabbatarian Injunctions. From Sir* H. S. *Vol.* II. *page* 128.

A. D. MCCXXII.

20. *Archbishop* Langton's *Constitutions made in a Provincial Synod at* Oxford. *From Sir* H. S. *Vol.* II. *page* 181. *the* Oxford *Edition of the Provincials (at the end of* Lindwood *and* Athone, *page* 151.) *and from* Lindwood's *Text, where he does not curtail the Original. With a Preface by the Translator.*

A. D. MCCXXIII.

21. *Supposed Constitutions of Archbishop* Langton. *From the* Oxford *Copy of Provincials at the end of* Lindwood *and* Athone, *page* 7. *With a Preface and Postscript by the Translator.*

A. D. MCCXXIX.

22. *The Constitutions of* Richard Wethershed, *Archbishop of* Canterbury. *From the* Oxford *Copy, page* 10. Lindwood *glosses but on five of these. With a Preface by the Translator.*

A. D. MCCXXXVI.

23. *The Constitutions of* Edmund *Archbishop of* Cant. *From Sir* H. S. *Vol.* II. *page* 199. *and the* Oxford *Copy, page* 11. *and* Lindwood, *where his Text is entire. With a Preface by the Translator.*

A. D. MCCXXXVII.

24. *Legatine Constitutions made in a National Synod at* London, Otto, *or* Otho, *the Pope's Legate, presiding. From* John Athone *and Sir* H. S. *Vol.* II. *page* 218. *With a Preface by the Translator.*

A. D. MCCL.

25. *The Constitutions of* Walter Gray *Archb. of* York. *From Sir* H.S. *Vol.* II. *page* 290. *With a short Preface by the Translator.*

A. D. MCCLXI.

26. *The Constitutions of* Boniface *Archbishop of* Canterbury, *in a Provincial Synod at* Lambeth. *From Sir* H. S. *Vol.* II. *page* 305. *the* Oxford *Copy, p.* 15. *and* Lindwood, *where his Text is entire.*

A. D. MCCLXVIII.

27. *Legatine Constitutions made in a National Synod held by* Othobon *the Pope's Legate, in the Church of St.* Paul's, London. *From* John Athone, *pag.* 75. *and Sir* H. S. *page* 263.

A. D. MCCLXXIX.

28. *The Constitutions of Friar* John Peckham, *Archbishop of* Canterbury, *made in a Provincial Synod at* Reading. *From Sir* H. S. *Vol.* II. *page* 320. *and the* Oxford *Copy, page* 22. *With a Preface by the Translator.*

A. D. MCCLXXXI.

29. *The Constitutions of Friar* John Peckham, *Archbishop of* Canterbury, *made in a Provincial Synod at* Lambeth. *From Sir* H. S. *Vol.* II. *page* 320. *from the* Oxford *Copy, page* 26. *and from* Lindwood, *where his Text is entire.*

A. D.

CONTENTS

OF THE

GENERAL PREFACE

TO THE

READER.

I. THE *Sum of this Work.*

II. *Every thing omitted, that was not necessary to give a view of the Government, Discipline, and Worship of the* English *Church.*

III. *The Difficulties of the* Latin *Originals, and many Mistakes in the* Latin *Translations from the* Saxonic *here removed.*

IV. *Difficulties in the Laws of King* Wihtred, &c. *cleared by Mr.* Somner, *and by the* Text. Roff.

V. *The Contents of this Work not fine, but useful.*

VI. The First End *of this Work, to gratify the Curious.*

VII. *Things herein contained are not of the greatest Moment; but Lapses in small Matters may lead Men into great Mistakes, and expose the most Learned.*

Contents of the General

VIII. A Second End of this Work was to be a Strong Antidote against Popery, to such of the Laity as may want it. The Clergy need no such Antidote.

IX. The old English Bishops and Clergy not Deceivers, but deceived: Grosthead an Instance of it.

X. They who are most fierce against Popery may most want such an Antidote; especially they who think it a Fault to read Popish Books.

XI. If all the Service-Books of the Church of Rome were translated into Vulgar Tongues, it would be a great Blow to that Church.

XII. The Constitutions made from the beginning of King Henry the Third's Reign give a full view of true Popery.

XIII. The Christianity settled here by Augustin scarce tolerable. The Service-Books introduced by him were the Romish. John the Precentor made no substantial Alteration, nor Osmund in his Use of the Church of Sarum.

XIV. The Worship of Saints and Images not so early used here as some have thought; but Prayers for the Dead were used from the beginning.

XV. Transubstantiation is contrary to the Doctrin of the Anglo-Saxonic Church.

XVI. Augustin receiv'd the Pall from the Pope, but he and his first Successors did not fetch it, as later Archbishops did. Appeals were of old more rare, and the Pope's Decisions less

less peremptory. Provisions not practised till after Ages.

XVII. *The Devotion of some Kings to the Pope, especially King* John's *Resignation, very mischievous to the Nation. Popes Provisions prevailed, in opposition to Statute-Law.*

XVIII. *By the Introduction of Gross Popery our Ancestors were grievously abused, as appears by These Monuments, in which the Reader need fear no misrepresentation.*

XIX. A Third End *of this Work was to give the Reader a more full View of our Constitution than can be had without it in the* English *Tongue. For some part of these Constitutions are still in force, and in more force than later Canons.*

XX. *And not only these Constitutions, but some part of the Popes Canon-Law, by virtue of a Statute of King* Henry *the Eighth.*

XXI. *Yet Ecclesiastical Jurisdiction does not subsist by That Statute, but only the present way of exercising it. Ecclesiastical Jurisdiction was ever exercised since the Times of* Theodore *and* Ecgbriht.

[XXII.] *By That Statute of King* Henry VIII. *Bishops are disabled from Regulating their own Courts. The Writer of* The Anatomy of the Church *ought to have known this.*

XXIII. *In Times before, and after the Conquest, Synods were assembled, and Jurisdiction exercised without any restraint; till the Popes Canon-Law made Prohibitions necessary.*

XXIV.

XXIV. *Many Ecclesiastical Laws made by the State in* Saxonic *Times, but none to retrench Ecclesiastical Jurisdiction before the Articles of* Clarendon.

XXV. *All the corrupt Constitutions must long since have been entirely abolished, had it been in the Power of the Convocation to do it: They have hitherto been hid in the* Latin *Tongue.*

XXVI. *No Corruption still remaining renders our Obedience sinful.*

XXVII. *If Ecclesiastical Jurisdiction had been new modell'd according to the* Reformatio Leg. Eccl. *or as our Worship is; yet the knowledge of these Constitutions, and* Lyndwood's *Gloss had been useful.*

XXVIII. *Ther are some things commendable among these Constitutions, and even in the Missal.*

XXIX. The fourth End *of this Work, that the Reader may judge what of these Constitutions may deserve to be retained, what rejected. Nothing to be retained but what is truly ancient, or good.*

XXX. *The Objection against the Ancients,* viz. *that their Notions were introductory to Popery considered.*

XXXI. *That we should take special care not to fall below the worst Ages.*

XXXII. *The Oblation of the Eucharist particularly insisted on: This deliver'd to us by* Augustin *in a tolerable, tho' not perfectly Primitive State.*

XXXIII.

A. D. MCCXCVIII.

30. *The Sentence of General Excommunication pass'd by* Robert Winchelsey *Archbishop of* Canterbury, *in a Provincial Convocation of the Prelates and Clergy. From Sir* H. S. *Vol.* II. *page* 428. *With a large Preface by the Translator.*

A. D. MCCCV.

31. *The Constitutions of* Robert Winchelsey *Archbishop of* Canterbury, *in a Provincial Synod held at* Merton. *From Sir* H. S. *Vol.* II. *page* 431. *and* Oxford *Copy, page* 34. *and* Lindwood, *where his Text is entire.*

A. D. MCCCVIII.

32. *A Constitution of* Robert Winchelsey, *made at a Place unknown. From the* Oxford *Copy, page* 36.

33. *Supposed Constitutions of* Walter Reynolds *Archbishop of* Canterbury, *the Time and Place of their making unknown. From Sir* H. S. *Vol.* II. *p.* 489.

A. D. MCCCXXII.

34. *The Constitutions of* Walter Reynolds *Archbishop of* Canterbury, *made in a Provincial Synod at* Oxford. *From Sir* H. S. *Vol.* 2. *page* 488. *and the* Oxford *Copy, page* 39, *and* Lindwood, *where his Text is entire. With a Postscript by the Translator.*

A. D. MCCCXXVIII.

35. *The Constitutions of* Simon Mepham *Archbishop of* Canterbury, *made in a Provincial Synod at St.* Paul's, London. *From Sir* H. S. *Vol.* II. *pag.* 493. *and the* Oxford *Copy, pag.* 41. *and from* Lindwood *where his Text is entire.*

A. D. MCCCXXX.

36. *Supposed Constitutions of* Simon Mepham. *From Sir* H. S. *Vol.* II. *page* 498.

A. D. MCCCXXXII.

37. *Supposed Constitutions of* Simon Mepham *Archbishop of* Canterbury. *From Sir* H. S. *Vol.* II. *page* 500.

A. D.

A. D. MCCCXXXVI.

38. *The Settlement of Procurations.*

A. D. MCCCXLII.

39. *The Constitutions of* John Stratford *Archbishop of* Canterbury, *call'd* Extravagants, *in a Provincial Synod at* London. *From Sir* H. S. *Vol.* II. *p.* 572. *and the* Oxford *Copy, page* 49. *and from* Lindwood, *where his Text is entire.*

A. D. MCCCXLIII.

40. *The Constitutions of* John Stratford *Archbishop of* Canterbury, *made in a Provincial Synod held at St.* Paul's, London. *From Sir* H. S. *Vol.* II. *p.* 581. *and from the* Oxford *Copy, p.* 43. *and from* Lindwood, *where his Text is entire. With a Preface by the Translator.*

A. D. MCCCL.

41. *The Constitutions of* William la Zouch *Archbishop of* York. *From Sir* H. S. *Vol.* II. *page* 630.

A. D. MCCCLI.

42. *The Constitution of* Simon Islep *Archbishop of* Canterbury, *made in a Provincial Synod at* Lambeth, *against Criminous Clerks. From Sir* H. S. *Vol.* II. *page* 597. *and from the* Oxford *Copy, page* 54.

MCCCLIX.

43. *The Constitutions of* Simon Islep *Archbishop of* Canterbury, *for keeping the Lord's-Day, and for Processions, and Prayers for the King. From Sir* H. S. *Vol.* II. *page* 599. *and the* Oxford *Copy, pag.* 52.

A. D. MCCCLXII.

44. *The Constitutions Provincial of* Simon Islep *Archbishop of* Canterbury. *From Sir* H S. *pag.* 610, 611, *and* 609. *from the* Oxford *Copy, page* 56. *and from* Lindwood, *where his Text is entire.*

A. D. MCCCLXIII.

45. *The Constitutions of* John Thorsby *Archbishop of* York. *From Sir* H. S. *Vol.* II. *page* 60.

A. D.

MCCCLXVII.

46. *The Constitutions Provincial of* Simon Langham *Archbishop of* Canterbury. *From Sir* H. S. *Vol.* II. *p.* 133. *and from the* Oxford *Copy, p.* 9. *They are by both erroneously ascribed to* Stephen Langton. Lindwood *glosses on the first only. With a Post-script by the Translator.*

A. D. MCCCLXXVIII.

47. *The Constitutions Provincial of* Simon Sudbury *Archbishop of* Canterbury, *made in the Monastry of* SS. Peter *and* Paul, Glocester. *From the* Oxford *Copy, page* 58. *and from* L. *where his Text is entire.*

A. D. MCCCXCI.

48. *The Constitution of* William Courtney *Archbishop of* Can. *against* Choppe-Churches. *From Sir* H. S. *Vol.* II. *page* 641. *With a Preface by the Translator.*

A. D. MCCCXCVIII.

49. *A Constitution made in honour of* Thomas Becket *(while Archbishop* Arundel *was Archbishop of* Cant. *but in Banishment) by* Roger Walden. *From the* Oxford *Copy, p.* 62. *with a Preface by the Translator.*

A. D. MCCCCVIII.

50. *The Constitutions of* Thomas Arundel *Archbishop of* Canterbury *against the* Lollards, *made in a Provincial Convocation at* Oxford. *From Sir* H.S. *Vol.* II. *page* 662. *and from the* Oxford *Copy, p.* 64. *and from* Lindwood, *where his Text is entire.*

A. D. MCCCCXV.

51. *The Constitutions of* Henry Chichley, *Archbishop of* Canterbury, *made in a Provincial Constitution. From Sir* H.S. *Vol.* II. *p.* 669, &c. *and from the* Oxf. *Copy, p.*68, &c. *and from* L. *where his Text is entire.*

A. D. MCCCCXVI.

52. *The Constitutions of* Henry Chichley, *Archbishop of* Canterbury, *in a Provincial Convocation at* St. Paul's, London. *Here* Lindwood *leaves us. From Sir* H. S. *Vol.* II. *page* 672. *With a Preface by the Translator.*

A. D.

A. D. MCCCCXXX.

53. *The Constitution of* Henry Chichley *Archbishop of* Cant. *against the* Auncel *Weight, made in a Provincial Convocation at St.* Paul's, London. *From Sir* H. S. *Vol.* II. *page* 687.

A. D. MCCCCXXXIV.

54. *The General Sentences of Excommunication decreed in a Provincial Convocation at* St. Paul's, London, *by* Henry Chichley *Archbishop of* Canterbury. *From the* Oxford *Copy, p.* 73.

A. D. MCCCCXXXIX.

55. *The Constitution of* Henry Chichley, *A. of* Cant. *made in a Provincial Convocation for augmenting poor Vicarages. From the* Oxford *Copy, page* 74.

A. D. MCCCCXLVI.

56. *Pope* Eugene's *Present of a Golden Rose to King* Henry VI. *of* Engl. *From Sir* H. S. *Vol.* II. *p.*690.

A. D. MCCCCLIV.

57. *Archbishop* Bourchier's *Letters for Processions. From Sir* H. S. *Vol.* II. *page* 691. *With a Preface and Postscript by the Translator.*

A. D. MCCCCLXIII.

58. *The Constitutions of* Thomas Bourchier *Archb. of* Canterb. *in a Provincial Convocation at* St. Paul's, London. *From Sir* H. S. *Vol.* II. *page* 698.

A. D. MCCCCLXVI.

59. *The Constitutions of* George Nevil, *Archb. of* York, *made at a Provincial Synod held in the Metropolitical Church of* York. *From Sir* H. S. *Vol.* II. *page* 699.

A. D. MCCCCLXXXVI.

60. *The Constitution of* John Morton *Archbishop of* Canterbury, *in a Prov. Convocation at* S. Paul's, London, *for injoining Masses and other Devotions in behalf of deceased Bishops. From Sir* H.S. *Vol.*II. *p.*712.

A. D. MDXIX.

61. *Pope* Leo's *Rescript to* William Warham *Archb. of* Cant. *concerning the Vigil of* S. John Baptist. *From Sir* H.S. *Vol.* II. *p.*727. *With a Pref. by the Translator.*

Anno

XXXIII. *The Translator cannot retract his Zeal in this particular.*

XXXIV. *The Notion of the Sermon's succeeding High-Mass considered.*

XXXV. *We are contrary to the Primitive Church in having more Sermons than Communions.*

XXXVI. *No Office of our Church more needs a Review than our Communion-Service. Whether the Ends of the Sacrament can be obtained without the Oblation: Whether the Sacrifice of Christ can be established without the Sacrifice of the Eucharist.*

XXXVII. *The Author of,* No sufficient Reasons, *&c. cannot understand how the Sacrifice of Christ and of the Eucharist, were one and the same.*

XXXVIII. *Dr.* Hicks *at first objected against the Modus of the Sacrifice, as represented (from the Ancients) in the* Unbloody Sacrifice, *but afterwards came into it.*

XXXIX. *The Objection of the Author of,* No sufficient Reasons, *&c. answered.*

XL. *It is more evident that Christ offered his Body and Blood in the Eucharist, than that he did it on the Cross. All animate Sacrifices were offer'd before the Mactation.*

XLI. *The Corruption of the Eucharistical Service in the Church of* Rome.

XLII. *The Translator does not think it in the Power of a Priest to add to the Liturgy.*

XLIII.

XLIII. *Nor to have restored the use of the Eucharist, if it had been wholly dropt by our Reformers, and the Bishops, ever since the Reformation.*

XLIV. *When Superiors are guilty of a culpable Omission, the utmost to be expected from Inferiors is, to remind them of this Omission.*

XLV. *Nothing can wholly excuse the disuse of the Oblation, as to those who are the cause of it. The Translator knows no safe Communion in which the Oblation is used in its Purity.*

XVI. *A Self-congratulation, that the Authors of the following Memorials wrote with an intent to be rightly understood, and were great Masters of Sincerity, so much extoll'd of late.*

XVII. *A grateful Acknowledgment of the Assistances given the Translator in this Work.*

The

The General PREFACE TO THE READER

I HERE present you with the Translation of all the Laws, Canons, and Constitutions of the Church of *England*, that were first made in the *Latin*, or *Anglo-Saxonic* Tongue, from the first Foundation of the Church at the latter end of the Sixth Century, to the Reign of King *Henry* the Eighth; and that have been since collected and publish'd by Sir *H. Spelman*, or others.

II. I meddle not with the *British*, *Irish*, or *Scottish* Memorials, as foreign to my present

Design, which was to make a Collection of all the publick Monuments of this Church, which serve to give us a view of its Government, Discipline, and Worship, and of the several Variations of it from Time to Time, and I have done it in so moderate a compass, that those of the Clergy who want the Volumes of Sir *H. Spelman*, Bishop *Lyndwood*, and *Athone*, and are not able to purchase them, may be supplied from this Work, at one fifth part of the Cost. And tho' I have omitted very many of Sir *H. Spelman*'s Memorials, some as spurious, others as unnecessary to my present Design; and the greatest part of *Lyndwood* and *Athone*'s Glosses, as perfectly superfluous: yet I have added some Things from other Writers, which I thought conducive to the End I proposed to my self.

III. THO' all which I publish may be found in other printed Books, (except some Supplements and Emendations taken from Manuscripts) yet there they stand either in the impure *Latin* of the middle Ages, not so easily to be understood by those who are only vers'd in Classical Writers, which is the Case of most of the younger Clergy; or else in the *Anglo-Saxonic*, known by few; or in the modern *Latin* Translations of the *Anglo-Saxonic*, which are full of Mistakes. I hope it will not be thought a Presumption in me to say this. Nay, it would be perfect Stupidity in me not to discern the Errors of Mr. *Lambard* and Sir *H. S.* and his Friend *Lisle*, by virtue of that

Light

Light which the two great Masters of the *Saxonic* Tongue, *Somner* and *Hicks*, have since held out to us: And I should be guilty of Ingratitude to their Memories, if I did not acknowledge my Obligations to them.

IV. THE *Saxonic* Text of the Memorials publish'd by Sir *H.S.* is also full of Faults; but especially the Laws of K. *Wihtred*, and the Rules of Satisfaction which immediately follow them. And here I had been wholly at a loss, had it not been for the Manuscript Notes and Corrections of Mr. *Somner* upon these Laws, and all the other *Saxon* Memorials first published by that Learned Knight. I hoped to find relief in relation to the Laws of King *Wihtred*, by collating Sir *H. Spelman*'s Edition with the Original from which he published them in the *Textus Roffensis*; but that Noble Manuscript was not at home in its proper Repository, during the whole time that I was composing this Work. Since my Translation of those Laws was printed off, I was inform'd that this *Textus* was restored to its proper place of Residence, and I had the favour of perusing it: but I found no variation of Moment, but what Mr. *Somner* had taken notice of in his written Notes; yet by inspecting the Original, I was able to distinguish between Mr. *Somner*'s conjectural Emendations, and those which he made from the *Textus* itself. And by this Inspection I further learned, that Sir *H. Spelman* did most probably never view the Manuscript itself. For ther are some Mistakes so very gross,

that none used to the reading of *Saxonic* Monuments could possibly be guilty of them. The Transcript from which he published them, seems to have been made by some one that was a Stranger to the *Saxonic* Letters: For the MS itself is in a very fair Hand, and well preserved, save where it is tarnish'd by the Salt-Water it took in its late Travels. But it is observable, that *Somner* never undertook to correct the Laws in Sir *H. Spelman*, which had been before publish'd by *Lambard*: he seems to have had a better Opinion of what had been done by his own Countryman, than of the Learned Knight's Performances, whose Diligence and Piety can yet never sufficiently be commended; and who in some Particulars much exceeded *Lambard*. In truth, *Somner*, when he wrote these Marginal Notes, was not so able a Master of the *Saxonic*, as when he published his Dictionary.

V. I cannot, according to the Fashion of Editors and Translators, give any great Encomiums of the Originals which I copy, as to the Beauty of their Composure, the Elegance of their Style, or any other internal or external Ornament that can render them agreeable to the Genius of this present Age. Yet I can truly say, that they are many of them very useful; and contain abundance of Particulars, of which no Clergyman (to say nothing of others) ought to be ignorant, if he desire to acquit himself in the discharge of his Office, to the Honour and Benefit of That Church of which

which he is a Minister. Ther are four Ends, which I chiefly had in view in compiling of this Work.

VI. The first, I confess, was Curiosity, and a Desire of improving Speculative Knowledge. And if I proposed no other End but this in the present Work, it ought by no means to be despised. No Man shou'd think his Time misspent in looking back on the past Ages of the Church, and in making his Observations on the state of Religion, and the Alterations of it, either for the better, or for the worse; and on the Causes, or Occasions of the Changes. If Gentlemen, and Scholars of the brightest Parts find no Study more engaging than the old Fashions, Religion, Laws, Paintings, Buildings, and Art Military of the *Greeks*, *Romans*, and other ancient People; much more reason have we to suppose, that it must be entertaining to Clergymen, to see the Modes and Manners of their Predecessors in the Holy Function, and of the People of the same Church faithfully described to them; especially, when as to the main, by comparing our present state with theirs, we may clearly discern, that our Condition, both as to Temporals and Spirituals, is much preferable to theirs. And the true Antiquarian is not to be displeased, because in his Searches and Enquiries he meets with some Things exceeding rude, or even barbarous; but feels as much pleasure in the Inspection of a Brass Coin, as in one of a more noble Metal; and in Earthen Urns, as in Pots of Gold. I

mean, if you consider him barely as an Antiquarian, not as a Proprietor of the Treasure.

VII. It is true, a great, and perhaps the greatest part of the Contents of these Papers, are Things of no great moment in themselves consider'd. But let me tell my Reader, that Ignorance in small Matters, when it is discover'd, does often expose Men to as much Shame and Censure, as in Things of the greatest consequence. And we are often under a necessity of drawing Arguments from Matters of little or no concern, in order to prove, or disprove, Things that are of a more weighty Nature. It were easy for me to give a large List of Errors committed by Men of Great Character, both in their Writings and Conversations, for want of Knowledge in such minute Points as many of those confessedly are, which you may find in these Sheets. But I am none of those who take pleasure in laying open the Errors of others, whatever some may have said or thought of me: I have indeed in this Work said several Things, or rather the Memorials which I publish in *English*, do contain several Things directly contrary to what has been asserted by Men of Great Name; but as I can sincerely say, that nothing of this sort proceeds from any Resentment, or personal Prejudice that I have conceived against them; so I have always endeavoured to conceal their Persons, that I might give them no Provocation; unless they are such as will be provok'd by seeing the Truth set in a just Light.

VIII. A

VIII. A ſecond Deſign I had in this Tranſlation, was to furniſh out a ſtrong Antidote againſt Popery: And in this reſpect I cannot but recommend it to the peruſal of ſuch of the Laity as may have entertain'd too favourrable Notions of the *Romiſh* Religion, or may fall into the hands of Popiſh Emiſſaries. For as to the Clergy, I am fully perſwaded, ther are none that ſtand in need of any Antidote againſt the Errors and Superſtitions of the Church of *Rome*. I muſt have Leave here ſolemnly to profeſs, that of all the Clergy of the Church of *England*, with whom I have intimately and familiarly convers'd (and few have ſo converſed with more of them than I have done, in and about thirty Years that I have officiated as a Prieſt in this Church) I never found one ſingle Man, whom I had juſt reaſon to ſuſpect of any inclination, or tendency to Popery. And I cannot but eſteem it a very groſs Abſurdity to ſuppoſe, that any number of them can have any Bias that way: For all that know Popery, as they do, muſt know, that Popery implies Slavery, as to Soul, Body, and Eſtate, all in one: And that the Slavery of the Clergy in That Church, hath always been greater than That of the Laity. The Cenſures of the Pope and his Agents ever fell heavieſt upon them; becauſe they were, by this means depriv'd of their Subſiſtance. They had frequent Taxes laid upon them by the Pope, and for his uſe, over and above what were demanded by the Civil Government;

whereas the Laity paid no Tax to *Rome*, save. That of the *Peter-Pence*, which was as nothing compar'd to those Tenths upon Tenths, which were frequently exacted of the Clergy. Some few indeed of the Prelates, and Favourites of the Pope, or King, who were indulg'd in enormous Pluralities of twenty or thirty Benefices, held by virtue of a Papal Dispensation, wallowed in Wealth and Luxury. But the main Body of the Clergy, that is, the Vicars, Curates, Parish-Priests, Chantry-Priests, and Mass-Priests, and all those in the Inferior Orders (excepting such as were permitted to hold Rectories by special favour, who could not be very numerous) had, generally speaking, but a bare Subsistance: They that were Sub-deacons, or in any Order above That, were denied the common Liberty of Mankind, I mean, Lawful Marriage. If they were convicted of having committed the deadly Sin of Marriage, they themselves incurr'd the Loss of their Benefices, and were disabled from officiating in the Church, their Wives were branded with the Imputation of being Whores, their Children with the infamous Characters of Bastards. Great multitudes of *Italians*, and other Foreigners, were, by the Transcendent Authority of the Pope, possest of many of the best Dignities and Benefices in the Church, and reap'd the Profits of Cathedrals and Rectories, which perhaps they never saw, while many of the poor *English*-born Clergy were glad to eat of the Crumbs which fell from their Tables, I mean, to main-

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tain themſelves with being their Under-Agents. Theſe, and many other, were the Grievances of the Clergy, while under the Tyranny of the See of *Rome*; I mean, they were peculiar to them, over and above thoſe Hardſhips which they endured in common with the Laity. And let it be conſider'd what Privileges they enjoy'd to counter-ballance all theſe Hardſhips. The Sum of theſe was, that they could not be hanged, or corporally puniſh'd by the hands of Laymen, tho' they had deſerved it, at leaſt they could not be ſo treated without the Biſhop's conſent; and no Man could lay violent hands on them, without incurring very hard Cenſures and Penalties. Theſe were Privileges which, 'tis to be hoped, not one of them in Ten thouſand had occaſion to make uſe of. Nor was it out of Love to the Clergy that theſe Privileges were claimed, but to maintain the ſole Dominion of the Pope over the whole Body of the Eccleſiaſtics, and to keep the Civil Powers and Laity in awe, from offending againſt thoſe who were then deem'd the peculiar Subjects and Property of the Pope.

IX. If the Clergy of *England*, before the Reformation, had indeed a Zeal for the Pope's Authority, it muſt have proceeded purely from their miſtaken Principles, and the Dictates of an Erroneous Conſcience: for they could have no other Inducement to abet a Power ſo grievous to themſelves; becauſe no Man can love Slavery for Slavery's ſake. And I have juſt Reaſon to believe, that the main of the Clergy

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in those Days were not disposed to advance the Pope's Power, any farther than they falsely conceiv'd themselves in strict Duty bound to do. It may be truly said, that some of our Kings and Archbishops, whose Names might easily be numbred, did more toward the establishing of the Pope's Dominion here, than the Bishops and Clergy. The Monks and Regulars were indeed faithful Drudges to the See of *Rome*; but the Bishops and Secular Clergy (and of them I now speak) were sensible of the Tyranny of the Pope, and would probably have been glad to shake it off, if they had thought it could be done without a violation of their Consciences. For they (undoubtedly by Mistake) believed him to be their Spiritual Sovereign, appointed by God: and while they laboured under this fatal Error, we are rather to pity their Ignorance, than to condemn them for acting according to their Principles. They were, I am perswaded, so far from being Deceivers, that they were grosly deceiv'd and abus'd themselves; and the Ignorance of the generality of them was altogether as invincible as That of their People. *Robert Grosthead*, Bishop of *Lincoln*, was equal, if not superior in Learning to any of our Clergy, or even Bishops, during those dark Ages: and he took a Journey to *Rome* on purpose to reprimand the Pope for his Male-Administration: And can we think that this Good Man would not much more have reprov'd him for the False Doctrins and Idolatries, of which he and his Predecessors

ſors had been the chief Authors and Abettors, if he had been ſenſible of any ſuch Falſe Doctrins, or Idolatries, then countenanced and maintained by that See? And if the Famous *Groſthead*, who was look'd on as a Prodigy of Learning and Integrity, in the Thirteenth Century, when ſome of their vileſt Errors were firſt eſtabliſh'd, was not aware of any dangerous fatal Doctrin, or Practiſe, in That Church: much leſs is it to be ſuppos'd, that the main of the Biſhops and Clergy here, who were ſo far inferior to him in Knowledge and Penetration, had any Suſpicion of the Pope's Divine Authority over them, or of the Purity of That Church.

X. BUT tho' I look on the preſent *Engliſh* Clergy as too well appris'd of the intolerable Tyranny of the Pope, and the groſneſs of thoſe Errors with which he has corrupted Chriſtianity, to be taken in his Snares; yet I cannot but apprehend, that many of thoſe among us, who make the loudeſt Outcries againſt Popery, do indeed want ſuch an Antidote as I take this to be. I mean, thoſe who think it a Crime to look into thoſe Books of the Church of *Rome* which contain their Errors: And I have particular Reaſon to complain of the blind Zeal of this ſort of Men, becauſe I have been barbarouſly defam'd by ſome of them, upon a bare Suppoſition, that I had a Maſs-Book ſent to me by a Friend. Now Proteſtants who ſcruple the reading of the Books of That Church, in declaring againſt Popery declare againſt they

they know not what: For the only way to know the very worst of their Religion, is to peruse the very worst of their Books; where we may see their most palpable Corruptions in their true natural Colours. If such Men ever come by chance to see their own whimsical confused Notions of Popery to be Mistakes, and that Popery is not what they falsly imagin'd it to be; they may more easily be reconcil'd to it by the sleight of Missionaries, than they who thro'ly know it, and are therfore forearm'd against it. I thought it therfore very seasonable to offer to such Protestants as seem to know nothing of Popery but its Name, some Knowledge to be mingled with their Zeal, which, when they are well temper'd together, may make a very proper Composition.

XI. I have often been thinking, that one could not do a greater Service to the Reformation, than by translating into *English* the Missal, Breviary, Pontifical, Manual, and other publick Service-Books of the Church of *Rome*, with brief Annotations, shewing the Rise of all that is foolish and superstitious, and the Antiquity of what remains good and commendable in them. This might be done in a few Volumes, and those not very large: for the Scriptural Part need not be inserted, otherwise than by References: and the Repetitions, which are many, and do much increase the bulk of the *Latin* Books, may be pass'd over by only inserting the first Words, and letting

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the Reader know where the rest are to be found. It is certain, that the Leaders in the Church of *Rome* would with reason look upon it, as a terrible Blow given to them, if such Translations could be publish'd in all the Vulgar Tongues of *Europe*. For they themselves do industriously conceal their Publick Devotions from the Knowledge of the People, and have, with all their Might, endeavoured to suppress all attempts of translating them. For they are sensible that great numbers of Men would desert their Worship, if they once came to the knowledge of all that Filth and Corruption which lies hid under an unknown Tongue. For true Popery is a Thing of that Nature, that ther needs no Confutation of it but the shewing of it in a true Light; upon supposition, that the Spectators are Men of competent Sense and Judgment, and that they are in any measure acquainted with their Bibles. And I intended these Papers as an Essay toward such a Work as I just now mentioned.

XII. When I recommend this Work as an Antidote against Popery, I desire to be understood chiefly in relation to those Constitutions which were made from the beginning of King *Henry* III's Reign, and the following Ages. For then it was that Popery appear'd in its full Strength and Vigour. Let any rational Man attentively read the *Constitutions* of *Stephen Langton*, and the Archbishops his Successors, down to the Reign of *Henry* VIII.

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let him consider that these were the principal Laws (under the Pope's Canon Law) by which the Church was govern'd, during those Ages; and then let him tell me, whether it were not time to Reform. I have rarely pointed out to my Reader the Passages where Popery appears in its most lively Colours; they are visible enough to them who have Eyes to see: much less have I attempted to confute the Errors contain'd in many of the Canons and Constitutions. For I am persuaded that no Church of *England* Man needs any other Help but that of his Bible, and a tolerable degree of Understanding, to discern the absurdity of many of the Doctrins, and especially of the Practises mention'd and injoin'd by the old *English* Prelates in subjection to the See of *Rome*.

XIII. For the first 250 Years after the coming over of *Augustin* to convert the Nation, the state of Religion was more tolerably pure than afterwards. Yet all Publick Offices were perform'd in the *Latin* Tongue, to which the People were Strangers; and this was indeed a Corruption not to be endured; nor could the New Converts have been patient under it, if they had been capable of reading St. *Paul*'s Epistles; but it does not appear that the Scriptures were translated into *English* till some Ages after the Conversion of our Forefathers, and then but in part: And if the whole Scripture had been in *English*, ther is just Cause to suspect, that very few of the Laity had been capable of reading them. Some have supposed that

the *Gallic* Service or Liturgy was here
ıſed by *Auguſtin*, and all other Biſhops
'rieſts in this Nation. Yet I conceive this
a Miſtake, which will be made appear
e following Memorials. I am ſenſible of
Bede tells us, in his 4*th* Book and 18*th*
ter, *viz.* That Pope *Agatho*, above eighty
s after *Auguſtin*'s coming over, ſent
, the Precentor of St. *Peter*'s Church in
, to inſtruct the Monks of *Wirmuth* in
Annual Courſe of Singing, and that he did
dingly teach them the Order and Rite of
ing and Reading in the Celebration of
ts, thro' the Circle of the whole Year;
hat he wrote down and left behind him
ever was requiſite to this Purpoſe. And
nay ſeem to ſome to imply the Introducti-
the *Roman* Offices, inſtead of the *Gallic*;
h therfore they muſt ſuppoſe to have been
here till this Period of Time. But I con-
the Words of *Bede* imply no ſuch Matter.
Sum of what this Precentor taught them,
ſted in new Tunes or Modes of Muſic,
Variations of Habit, Geſture, and per-
of the Series of performing Religious Of-
, according as the Faſhions had been al-
l at *Rome* ſince *Auguſtin*'s coming hither.
r is no mention of Books, or new Forms
ervice that he brought with him: *Bede*
eſly ſays, he taught them *vivâ voce*; and
t he wrote down concerned only the cele-
ion of the Feſtivals. From all which it is
ent; that here was no Innovation in the
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Subſtance of the Services, but only in the outward Mode and Figure of Saying or Singing them. *John* was ſent to one Monaſtry only, and is not ſaid to have taught any but the *Northumbrians*. If he had brought any new Office, or Liturgy with him, certainly care had been taken to ſettle it in the *South*, as well as in the *North* of *England*. But ther was no occaſion to inſtruct the Southern Monks and Clergy in what they knew before. *Bede* teſtifies, that at *Theodore*'s firſt coming to *Canterbury*, which was ten or twelve Years before this, the *Roman* way of Singing was well known in *Kent*, and then began to be taught in other Churches. *Wilfrid* ſoon after invited *Eddi*, otherwiſe called *Stephen*, out of *Kent* into the *North*, to teach this Mody Practiſe there, as may be ſeen in the ſecond Chapter of *Bede*'s fourth Book: nay, thirty five Years before *Theodore*'s Arrival, *James* the *Kentiſh* Deacon was left at *York* by *Paulinus*, when he retired to *Rocheſter*, on purpoſe to teach them *the way of Singing uſed by the* Romans *and the* Kentiſh, as *Bede* expreſly ſays in the 20*th* Chapter of his ſecond Book. It is probable, that neither of theſe *Kentiſh* Singing Maſters went farther than *Hexham*; however, not to *Wirmuth*, for the Monaſtry there was not built till the Year 674. *John* taught only thoſe of this Monaſtry, and ſuch of the *Northumbrians* as had not learn'd it before. So, after the Conqueſt, *Oſmund* Biſhop of *Sarum* contrived a new *Uſe* for his own Church, that

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is, he ascertained all the Rubricks which were before not determinate enough, or where Books were inconsistent with each other, as it often happen'd, while Transcribers took the liberty of varying from their Copies: he adjusted and settled the Series, and Pomp, and the Ceremoniale of Divine Worship, in Points that were before left to the discretion of them that officiated, which created Confusion and Multiformity in the Church. And several other *English* Bishops took the same liberty of making *Uses* for their own Dioceses, different from those of *Sarum*. And tho' the Invention of Printing hath prevented the Inconsistency of our present Common-Prayer-Books, yet ther is room for our Bishops to make *Uses* for their Dioceses, if they can judge themselves sufficiently authorized for such a Work by our Constitution. I mean, ther is just occasion for them to give special Directions what shall be don in Cases not clearly adjusted in our Rubricks; and hundreds of such Cases might, I conceive, be discover'd. But as to the main Point now before us, which is the Worshipping of God in an unknown Tongue; it is certain, this was a Corruption establish'd here by our first Converters, and continued till the Reign of *Edward* the Sixth. If it were allow'd, that the *Gallic* Offices were receiv'd here for the first Eighty Years after our Conversion, as in truth it cannot, yet they were in the same Language, tho' they were different from the *Roman* in other Points.

XIV. THE Worſhiping of Saints and Images was not introduced into the Church of *Rome* itſelf, till ſome Ages after *Auguſtin*, tho' they went to the utmoſt Bounds of what can be deemed lawful in relation to Saints, that is, they prayed to God, that He would hear the Prayers of Saints deceaſed, which, it was ſuppoſed theſe Saints offer'd in behalf of the Church. And they began to dote on Pictures and Images as very uſeful Remembrancers. *Auguſtin*, when he made his Entry into *Canterbury*, had the Picture of our Saviour carried before him, tho' not as an object of Worſhip, yet as an Enſign of his Profeſſion. *Bede*, who lived above an hundred Years after him, intimates, that Images were uſed as *Memorandums* and *Deſcriptions*, which is the Notion that ſtill prevails among the *Lutherans*. And tho' the Centuriators, and others from them, wou'd have it, that Images began to be adored here at the beginning of the Eighth Century, yet they have no Proof of it but the Fictions of ſome Monks. It is well known that the ſecond Synod of *Nice*, which was the firſt that determin'd in favour of Images, did not meet till toward the latter end of this Century; and the Emperor *Charles the Great*, oppoſed this wicked Innovation, and his Secretary *Alcuin*, our Countryman, wrote againſt it: And upon the whole, ther is good reaſon to believe, that Image-worſhip did not prevail here till the middle of the Ninth Century, a while before *Alfred*'s acceſſion to the Throne. And it is obſer-

obſervable, that in all the ancient Memorials here collected, ther is very little appearance of Zeal for the worſhiping either of Saints or Images, till a conſiderable time after the Conqueſt. Prayers and Oblations for the Dead were indeed eſtabliſh'd here from the firſt dawnings of Chriſtianity among us; and ther is reaſon to believe, that ther was no Church, or Age for the firſt 1500 Years, in which theſe Devotions were not uſed; eſpecially becauſe it is evident, that this Practiſe obtain'd among the *Jews* before the Incarnation of our Lord: This appears from 2 *Maccab.* xii. 39. — 45. which is true Hiſtory, tho' not Canonical Scripture. And ther is no direct or indirect Prohibition of it in the New Teſtament, to the beſt of my Knowledge and Obſervation. But in theſe ancient Times Men were not under any Obligation to offer their Devotions for the dead, upon a Suppoſition that their Souls were in Purgatory; but upon another Principle univerſally granted, *viz.* that they were in a very imperfect ſtate of Happineſs. Yet it muſt be confeſs'd, that the conceit of a Purgatory was gaining ground apace in the Age of *Bede*; but it was an Opinion only, not an Article of Faith, till the Council of *Trent* made it ſo.

XV. THE Doctrin of Tranſubſtantiation was ſo far from being planted here by *Auguſtin*, that *Elfric* his Succeſſor in the See of *Canterbury*, four hundred Years after, wrote many Things inconſiſtent with this abſurd Notion, which had been indeed publiſh'd and defended

in *France* by *Paſchaſius Radbertus*, above an hundred Years before *Elfric*, but was not yet eſtabliſh'd either in *France*, or in any other part of Chriſtendom: And no Man in this Age can ſay any thing more irreconcilable to it than he has don in his Homilies. And his Homilies were received as the Doctrin of the Church of *England* in the Tenth and Eleventh Centuries: for they were publickly read by the Prieſts inſtead of Sermons. And I am fully perſuaded, that the Homilies of *Elfric* are more poſitive againſt the Doctrin of Tranſubſtantiation, than the Homilies of the Church of *England* compiled in the Reigns of *Edward* the Sixth and Queen *Elizabeth*.

XVI. As to the Authority which the Pope, who ſent *Auguſtin* hither, aſſum'd to himſelf, it was greater than what his Primitive Predeceſſors claim'd, but moderate in compariſon of That which his Succeſſors ſome Ages after uſurped to themſelves. *Auguſtin*, according to the Inſtructions which he receiv'd from Pope *Gregory*, carry'd himſelf with an Ayre of Superiority toward the *Britiſh* Biſhops, whom he found in *Wales*. And he, as all other Weſtern Archbiſhops, in communion with the See of *Rome*, receiv'd from the Pope a Robe call'd a *Pall*, which they were to put on as often as they ſaid Maſs; which was, in truth, deſign'd as a Badge of their dependance on the Pope: for they could perform no Archiepiſcopal Act till they had been confirm'd and eſtabliſh'd in the Poſſeſſion of their Primacy, by receiving this

this Pall from the Pope. At first the Archbishops were consecrated by some neighbouring Bishops, and had the Pall sent them by the Pope after their Consecration. But toward the end of the Eighth Century at the farthest, the Archbishops Elect were required to go to *Rome* and receive Consecration and the Pall from the Pope's hands. Our *English* Bishops remonstrated against this Innovation, as contrary to ancient practise, and to the declaration of Pope *Honorius* to our Bishop of the same Name, and to the Assertions of the Learned *Alcuin*: And they gave very broad Hints, that this new way of Proceeding gave occasion for Simoniacal Practises. And it is indeed very credible, that when the Popes had drawn our Archbishops Elect to *Rome*, they obliged them to accept the Pall, if not the Consecration, upon their own Terms. If this Remonstrance had been made after the Year 960, when *Elfine*, or *Alfine*, Archbishop Elect, perish'd by Cold in the *Alps*, while he was making his Journey to fetch the Pall from *Rome*, they had had another just ground of Complaint against this Innovation; but their Plea was good without this addition; yet it does not appear that they procur'd any redress of this Hardship. However, this immediately concern'd the Archbishops only, and was not felt by the rest of the Nation. Pope *Vitalian*, within less than Seventy Years after *Augustin*, consecrated *Theodore*, a *Greek* by Birth, who had spent a great part of his Life at *Rome*,

and ſent him to be Archbiſhop of *Canterbury*. This was not taken as if the Pope had impoſed a Primate upon us by his own Authority, but as a Proof of *Vitalian*'s Care and Affection for the Church of *England*, and as a publick Bleſſing to the Nation: for *Theodore* was certainly a Perſon of as great Abilities as any of his Age; and the Kings of *Kent* and *Northumberland* were conſenting to what the Pope did. For Popes had not yet diſcover'd that plenitude of Power in their own Breaſts, by which they afterwards preſum'd to fill vacant Sees with Men whom they thought moſt proper Tools to ſerve their own Intereſts; and that ſometimes in oppoſition both to Kings and the lawful Electors. This ſtretch of Papal Authority was never, I think, put in execution here till the Reign of King *John*. When *Wilfrid* Biſhop of *York* was depoſed by *Theodore* of *Canterbury*, who was then ſole Primate of all *England*, becauſe he would not ſubmit to a Partition of his Huge Dioceſe, which was commenſurate to the Kingdom of *Northumberland*, and the King executed *Theodore*'s Sentence, which was paſs'd in a National Council, and *Wilfrid* ran to *Rome*, in hopes of getting Redreſs from the Pope; *Agatho*, who then ſate in the Pontifical Chair, by the Advice of a Synod, refer'd *Wilfrid*'s Cauſe to a Council to be held in *England*, and recommended him by his Letters to the King. But neither the King nor Archbiſhop complied with the Pope, nor was any thing don in favour of him, till

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the King was dead, and the Archbishop, many Years after, when he was under the Infirmities of an extreme old Age, wrote to the new King in *Wilfrid*'s behalf; upon which he was restor'd to some part of his former Bishoprick, and his other Possessions. And when he was again deposed, and again took Refuge at *Rome*, and procur'd the Decree of the Pope in Synod in favour of him; tho' *Brihtward* the Archbishop of *Canterbury* was willing to comply with the Sentence of the Pope and Synod, yet the King refused; for he declared it unreasonable to receive into Communion a Man twice condemned in a National Synod, in obedience to the Apostolical Precepts (so the Pope's Letters were then called.) Tho' after this King's Death it was said he declared his Repentance, in reference to his Behaviour to *Wilfrid*, and by virtue of this Report, whether true or false, *Wilfrid* again recover'd part of his former Diocese, and his Monastries. (See *Vol.* 1. *Conc. Angl. pag.* 160, *&c.* 179. 200, 204, *&c.*) And I take it to be certain in Fact, that tho' *Wilfrid* and others, complain'd of supposed Injuries don them at home, to the Pope of *Rome*, and the Popes themselves were ready enough to meddle in such Causes, yet that neither the Popes assumed to themselves the peremptory and final Decision of all Ecclesiastical Causes; nor would the Kings, Clergy, or People have acknowledged any such Power in him, if he had claim'd it, till a pretty while after the Conquest.

XVII. THE fond Devotion of some of our Greatest Monarchs, before the Conquest, was indeed very advantagious to the See of *Rome*. It raises Indignation in the Breast of any true *English* Christian, to see so noble a Religion as ours made serviceable to the Ends of *Romish* Covetousness and Ambition; to observe, that Princes that make so considerable a Figure in History as *Ine*, *Offa*, *Ethelwolf*, *Alfred*, and *Cnute*, could find no better employ for their Devotion than to go to *Rome*, and lavish the Treasure of the Nation, by indulging a blind Superstition; and giving the Pope an opportunity, when he had them there, to draw such Acknowledgments and Promises from them as might be afterwards made use of to the detriment of themselves and their People. Yet it must be confest, that all the weak Zeal of our *Saxon* and *Danish* Kings never proved so Injurious to their Kingdom and People, as the Management of some of our bravest Kings, after the Conquest, did. King *Stephen*, and *Henry* the Second, by permitting the Pope to put his Canon Law in execution here; the same King *Henry* the Second, by submitting to the Penance injoin'd him by the Pope's Legates, for being, tho' undesignedly, the occasion of Archbishop *Becket*'s murder; He and his Successors, by levying such vast Sums of Money, for recovering the Holy Land, at the Pope's Motion; and above all, King *John*'s resigning his Crown to the Pope's Legate, and receiving it back again, to be held, as it were,

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in Fee of his Holineſs, were more miſchievous to themſelves and the Nation, than all the expenſive Pilgrimages to *Rome* perform'd by our more ancient Monarchs. I am ſenſible that King *Henry* the Second did oppoſe the Introduction of the Pope's Canon-Law, and that this was the foundation of the Quarrel between him and *Becket*; but by afterwards ſo tamely ſubmitting himſelf to the Pope, he built up what he had before deſtroy'd. I know that King *John*'s Peers, and eſpecially his Biſhops, declar'd the Reſignation of his Crown to be null and void, as undoubtedly it was in Fact. But as ſuch Actions gave a pretended Claim to the Pope, ſo This ſerved him and his Succeſſors to keep our Kings afterwards in awe; becauſe they knew in That Age the Pope never wanted Princes to fight his Battles, when he had any colour of Right on his ſide. And, in truth, three or four of King *John*'s immediate Succeſſors, carried it ſo ſubmiſſively to the Popes, that they gave the World reaſon to ſuſpect, they were themſelves afraid that King *John*'s Surrender was of greater force than they were willing others ſhou'd believe. It is hard to conceive, that our Kings ſhould ſtoop ſo low as to accept Grants of Tenths on the Clergy, from the Pope, as they did, if they had thought themſelves Independent, as they undoubtedly were in Right. Nay, it ſeems unaccountable, that Kings ſhou'd permit the Popes to conſecrate Archbiſhops of *Canterbury* on any other bottom, by Bulls of Proviſion,

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Ex plenitudine Potestatis, as they did, for near 250 Years together, from *Stephen Langton*, who was advanced to that See in the Year 1206, to *John Kemp*, who came in by That Title in the Year 1452, with very few Exceptions. And it will seem more unaccountable still, when it is consider'd, that during a great part of this time we had Statutes in force against *Papal Provisions*; and the States of the Nation, excepting the Bishops, who durst not join with the others for fear of the Pope, were frequently calling on our Kings to put these Statutes in force. It was certainly more for the Interest of our Kings, that Elections shou'd be made by those in whom the Laws and Canons had placed it, I mean in the Cathedral Clergy, and Monks, than in a powerful Foreigner: for such was the Pope at that time of Day: Yet it is not only certain in Fact, that our Kings countenanced *Papal Provisions*, but that they sometimes requested the Popes to make use of this usurped and most unreasonable Prerogative.

XVIII. THUS by degrees the See of *Rome* finished its Corruptions and Usurpations. By King *Henry* the Third's Time perfect consummate Popery reign'd here. Not only the Worship of Saints, especially of the Virgin *Mary*, and to their Images was established here in *England*, but the Devotion of the People was exercised chiefly that way; not only the most irrational Doctrin of *Transubstantiation* was brought to maturity, but the Idolatry

latry of worshiping the Host with Divine Honour was grafted upon it. The Pope had made himself, in effect, not only absolute Sovereign in Spiritual Matters, but almost in Temporals too. When our Forefathers were first converted by *Augustin*, Pope *Gregory*'s Missionary, they had good reason to suppose, that Christianity was one certain System of Divine Worship, Doctrin, and Discipline. For it must have seem'd absurd to imagin, that a Religion which came from Heaven five or six hundred Years before, was to be always growing, and undergoing Alterations from the Inventions of Men. If it had continued in the same state in which we first receiv'd it, that is, with Divine Service in an unknown Tongue, ther had been just occasion to reform, as to this particular at least. But when in above nine hundred Years they had added above a thousand Grievances, Corruptions, Superstitions, and even Idolatries, and rivetted them into our Constitution, the *English* Nation had certainly just cause to resent the ill Treatment she had received from the See of *Rome*, and to depart from That Church so far as She had departed from her Original Faith, Worship, and Discipline. And that our Charge against that Church is true, the following Sheets are a sufficient demonstration, if we were destitute of all other Evidence, especially the *Constitutions* of *Langton*, and they that follow. It is the common Subterfuge of Papistical Writers, when theyare preft sore with Objections against their

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notorious Errors, to pretend, that we misrepresent the Doctrins and Practises of their Church and Clergy. Here they have no room for such Evasions; For many, not to say, most of the Doctrins and Practises of the Church are here exprest in the Words of some of the truest and fastest Friends that the Church of *Rome* ever had, the zealous old Bishops and Clergy of the Church of *England*, while She was unhappily engaged in the corrupt Communion of the Church of *Rome*, who had been nursed up in the impure Bosom of That Church, and with an ignorant Sincerity lived and died in it too. And yet I am apt to think, that to the generality of my *English* Readers, this Representation of their Doctrins, and Polity, and Worship, will be an effectual Confutation of them. And my Reader may believe me, when I assure him, that I have not designedly made any Word, or Phrase, in the *English*, found more, or less, than the Original *Latin* does. The Text of this Work speaks not my own sense, but That of the Bishops, or others, who drew the *Constitutions*: only if any thing appeared dark, or difficult, I have given my Reader what Light I could in my Annotations.

XIX. 3. ANOTHER End I proposed to my self in this Collection, was to give my Reader a more full View of our present *Constitution*, than he can have from the Liturgy, Acts of Parliament, and Canons in *English*, made since the Reformation only. For it is cer-

certain, that the very worst part of the *Constitutions* contain'd in these Papers, I mean, those made by Archbishop *Langton* and his Successors, down to *Chichley*, are partly yet in force: These are the *Constitutions* upon which *Lyndwood* wrote his Gloss, and of these the words of the Statute (25 of *Hen.* 8. *c.* 19.) are to be understood, *viz.*, "Provided always "that such Canons, Constitutions, Or-"dinances, and Synodals Provincial be-"ing already made, which be not contra-"riant, nor repugnant to the Laws, Sta-"tutes, and Customs of this Realm, nor "to the Damage or hurt of the King's "Prerogative Royal, shall now still be "used, and executed, as they were afore "the making of this Act." From this Clause it is evident, that all Canons and Constitutions Ecclesiastical, which were in force before the making of this Statute, do so still remain. What were contrary to Statute, Custom, (that is, Common Law) and Prerogative Royal could not *legally* be executed before the making of this Statute (tho' they often were in Fact.) But such as might lawfully be put in practise before (excepting such Canons as concern Appeals to *Rome*), may be put in practise still; unless they have been abolished by some Statute made since This of King *Henry* the Eighth; and many of them have, in whole, or in part, been annull'd by the Acts of *Uniformity*, which establish the Use of the Com-

Common-Prayer-Book; which doth in very many Particulars contradict these Constitutions. No Canons made since This Act have so direct and express a Ratification given them by Statute, as these which were made and executed before that time. Therfore, tho' generally speaking, when two Canons clash with each other, the last is of greatest Authority; yet the Canons of 1603 being confirmed by the King only, and not by Act of Parliament, cannot abate the force of the old Constitutions: For these Canons made in the Year 1603, are only by Implication, not by express Words, allowed to be put in execution, by *Stat.* 13 *Car.* 2. *c.* 12.

XX. THE Words of this Statute of *Henry* the Eighth are so understood, as to confirm not only these Constitutions, so far as consistent with Statute, Law, or Prerogative Royal, but even so much of the Pope's Canon Law as was here commonly receiv'd: As for instance, it passes as good Law in our Temporal Courts, that the *Lateran* Canon against Pluralities is of as great force as an Act of Parliament. What part of the Canon Law was receiv'd in *England*, and the manner of putting That, and our Domestic Constitutions in practise, is to be learn'd from *Lyndwood*: for by the common consent of Lawyers, what he delivers as the Common Law of the Church is so to this Day, excepting where it is annull'd by Statute. And the Legatin Constitutions of *Otto*, and *Othobon*, are to be reckon'd among our

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own domestic Constitutions. *Lyndwood* every where speaks of them as in force: But the Glossator on these Constitutions last mentioned, *John Athone* is not a Writer of so much Authority as *Lyndwood*.

XXI. Some Great Men have been willing to have it thought, that Ecclesiastical Jurisdiction subsists only by virtue of the Clause in the Statute of King *Henry* the Eighth, above recited. This is a very strange Sentiment, contrary to the Faith of History, and to all publick Memorials and Monuments of Antiquity relating to the Church, which do all serve to confirm this Truth, that Ecclesiastical Jurisdiction is coevous to the Church itself, inherent in her as a Religious Society founded by Christ, and inseparable from her for the same reason. If Discipline were not exercised for the first Seventy Years after *Augustin* came over to convert us, the reason was plainly this, that the Church was not yet settled: the Bishops found business enough in making and baptizing Converts, in building Edifices for Religious Assemblies, in regulating those Assemblies, and instructing their new Converts, and teaching them how to conduct themselves in Divine Worship, and in all Points of Duty, both publick and private: and Seventy Years was no long time for such a Work, considering the Obstructions they met with. It is evident that *Theodore*, who was advanced to the See of *Canterbury* in the Year 668, did exercise Ecclesiastical Discipline, as *Ecgbriht* soon after also

also did in the other Province; and ther is no reason to suppose, that it was ever after interrupted. Ther is scarce any Crime mention'd in the *Saxon* Laws, but that Satisfaction was to be made for it *to God*, as well as *to the World*, that is; Penance was to be enjoined in the Ecclesiastical Court, as well as a corporal Punishment to be suffered in the Civil Court. Tho' the Bishop sate with the Alderman in the County, or Hundred, to administer Temporal Justice; yet this did not at all hinder his exercising a Spiritual Jurisdiction. And tho' the Laws determin'd what the Temporal Fines or Punishment should be, yet they, for the most part, left the Penance to the Bishop's Discretion, or to be regulated by the Canons. *William* the First did indeed confine the Bishops, and other Prelates to their own Courts, and not permit them to sit in the County, or Hundred: and this was done in conformity to the Canons, which forbad Ecclesiastics to exercise Civil Jurisdiction. Yet the Laws of King *Henry* the First restore the Bishop to the County Court. But ther is not, to the best of my Knowledge, one single Instance of a King, Gemote, or Parliament, either before, or since the Conquest, that ever offer'd to deny Bishops the Right exercising of Ecclesiastical Jurisdiction, but rather gave them their Assistance toward the doing it more effectually; excepting what was done in the Minority of *Edward* the Sixth: therfore I conclude, that Ecclesiastical Jurisdiction, abstractedly consider'd,

der'd, does not subsist by virtue of one Clause in a single Statute, but by virtue of the original, inherent Authority of Bishops, allow'd and recogniz'd, from time to time, by the Kings and all the Legislative Power of the Nation.

That Bishops are limited to the particular Way and Manner of exercising their Jurisdiction, specified in that Act, is indeed owing to That Clause. That they are to do it according to the Canons and Constitutions then already made, is a Restraint laid upon them, whereby their Hands are tied from making any Reformation in their own Courts, unless it appears that they deviate from the practise used at the time of making this Act: and it may therfore be said, that the present manner of exercising their Jurisdiction subsists by this Clause. In the Ages between King *Henry* III. and King *Henry* VIII. the Archbishops of *Canterbury* regulated their Courts; and ther are several Bodies of Statutes in Sir *H. S.*'s second Volume of Councils made by several Archbishops for this purpose. And I conceive the Bishops too, during the same Ages, had the Government of their Courts, tho' subject to the Visitation and Correction of the Archbishop. But by That Clause in the Statute of *Henry* VIII, they were ever since tied down to the Manner and Method of Proceeding, which then obtained. And the Power of the King and Bishops, in, or out of Convocation, cannot make any alteration in this respect, without

a new Act of Parliament. And this ſhould have ſtopped the foul Mouth of that Pamphleteer, who wrote the *Anatomy of the Church.* He charges it on the Church as a Fault, that the Corruptions of the Eccleſiaſtical Court are not reform'd: But he ought to have known, that the Church hath not Power to alter the Fault of her own Courts. I wiſh this were the only Inſtance of the Convocation and Clergy's bearing the Imputation of *other Mens Omiſſions.* It muſt be own'd, that 'tis a great unhappineſs in our Conſtitution, that it is not all of a Piece; and that our Diſcipline and Eccleſiaſtical Government were not wholly new modell'd, as well as our Worſhip and Doctrine, at the beginning of the Reformation, or ſince that Time. Every body knows the Story of the intended Reformation of the Eccleſiaſtical Laws, and how it miſcarried. I wiſh with all my Heart, that, in due ſeaſon, the Convocation, whoſe proper Buſineſs it is, may be ſo far countenanced by the Legiſlature, (without which it is impoſſible) as that ſo good a Work may be brought to maturity. In the Reign of our late Gracious Queen, the Convocation gave ſufficient Proof of their good Diſpoſition to contribute all that lay in their Power to this excellent End. But their Endeavours prov'd abortive, as they muſt ever do, while under ſuch Reſtraints, unleſs in ſome critical Juncture, when the whole Legiſlature ſhines upon them.

XXIII.

XXIII. DURING the time of our *Saxon*, and even *Danish* Kings, the Bishops were in full Possession of the Power of making, as well as executing Canons: nor does it appear, that they ever abus'd it to the hurt of the Civil Government. Our Kings were so far from apprehending any Mischief from Ecclesiastical Synods, or from sending their Prohibitions to them, that they often honoured these Assemblies with the Presence of themselves and their Nobility, without interposing in their Debates, or giving any Stop or Impediment to their Diffinitions. The *Norman* Princes never attempted to diminish, or interrupt the Archbishop's ancient Right and Practise of assembling Synods, and making such Canons and Ecclesiastical Provisions as were deem'd necessary, or seasonable. But after the Pope had set himself up for Sovereign in Temporals, as well as Spirituals; and in order to exercise this Sovereignty, had introduced his Canon Law into all Nations that were in Communion with him; and had a number of Men in every Country ready to execute his Will and Pleasure, in opposition to the Civil Government, and to its great Detriment, our Kings saw it necessary to check the Arrogance of the Popes and his Creatures here in *England*, by sending Prohibitions to the Bishops, in their Synods (that they might make no Canons to the Injury of the King's Prerogative, and of the Civil Constitution) and in their Courts, that they might put no such Canons in execution. And,

to ſpeak the truth, if it had not been for theſe Prohibitions, ther is reaſon to believe, the Eccleſiaſtical Juriſdiction had ſwallowed up the Temporal, and made a perpetual Non-Term in *Weſtminſter-Hall*; and ther had been no occaſion for Temporal Judges, unleſs to paſs Sentence for loſs of Life, or Limb, on great Criminals. But ſtill the Authority of enacting Canons and Conſtitutions in Matters meerly Spiritual, and the Cognuſance of ſuch Cauſes remain'd untouch'd, entirely in the hands of the Convocation, as to the Enactive Part, and of the Prelates, as to the Executive. While we had *Boniface* for our Archbiſhop, and others of his Temper, in the Inferior Dignities of the Church, it muſt be confeſs'd, that our Kings and Parliaments had don but Juſtice to themſelves, if they had put a Stop to their Aſſemblies, and had taken care to ſend That Foreigner home to his own Country, and to ſee a True *Engliſhman* put into his Chair. But our Primates and other Prelates had been ſufficiently tam'd and humbl'd before they were brought under the Diſabilities laid on them by the Act of Submiſſion. And by the extream Caution with which they proceeded in thoſe Times, and ever ſince, even in Matters which the Law left in their Power, I have good reaſon to doubt, whether they wou'd have exerted their ancient Rights, of which I now am ſpeaking (tho' they had been entirely poſſeſt of them) without Royal Licenſe.

XXIV.

XXIV. Tho' the *Saxon* Bishops had an unlimited Power of making Canons; yet we have many Laws relating to Matters meerly Spiritual, enacted by Kings in their Great Councils, or Civil Gemotes. This may seem to some to have been an Entrenchment on the Authority of the Bishops. To this it has been answered, that the Bishops, without whom no Great Council was held, retired into a Place by themselves, in order to draw up and enact Laws relating to Religion, as was the Practise in some neighbouring Countries. And I will not deny that this might sometimes be don. Yet when I see here and there an Ecclesiastical Law interspers'd among a great number of such as are purely Temporal; at other times, almost an equal number of Ecclesiastical and Civil Laws, mutually succeeding each other in the same System; at other times, two or three Ecclesiastical Laws dropt into a Set of Temporal, and, *vice versâ*, Temporal among Ecclesiastical, I am inclined to believe, that both sort of Laws were made by an amicable conjunction of both Powers. In truth, the old *Saxon* Laws and *English* Statutes made in relation to the Church, were, in effect, only Civil Sanctions of old Canons, or Grants made to the Church of some Civil Privileges which she enjoyed not before; or a reinforcement of some such Grant with Penalties annex'd: and ther could be no just reason, why the Bishops and Clergy should not accept the assistance of the Kings and Great Men for these Purposes;

especially while Statesmen never practis'd the Art of giving with one hand and taking away with another; but upon all occasions made it appear, that they had really the benefit of the Church at Heart, without any doubling or disguise. A Man that reads all the Laws before the Conquest, will, upon reflection, be tempted to believe, that they were all drawn, or proposed by the Bishops, or Clergy, whosoever they were that gave their Consent to the enacting of them. I do not remember a single Instance of a Law, but what any Bishop, upon the Principles of That Age, might fairly consent to; and no Law relating to the Church, or Religion, but what may justly be thought to have been promoted, if not postulated, by the Prelates. And I take the Articles of *Clarendon* to be the first Instance in our History of making Laws that Bishops did not care to sign.

XXV. I have just reason to believe, that if it had been in the Power of the Archbishops and Bishops, or of a Convocation assembled by Royal Summons, and authorized by Royal License, to revoke and annul these Constitutions, from *Henry* the Third's Reign, to That of *Henry* the Eighth, the thing must have been don long ago, and we had had an entire Body of Ecclesiastical Canons, agreeable in all respects to the Spirit of the Reformation, and the Ecclesiastical Courts had been brought under a suitable Regulation. But we must confess, that this Work has been taken out of the hands of our Prelates and Convocation, and they ther-

therfore ought not to lie under the Blame of this Omission. But they and we must take Matters as we find them, and must be content, that so much of these Constitutions as is not contrary to Statute, Common-Law, or Royal Prerogative, shou'd still be in force; and therfore I thought proper to publish them in the *English* Tongue, that they may no longer be conceal'd from any that are concern'd, or desirous to know them. For as these Constitutions were first made by Papists, and contain in them many of the grossest Corruptions; so hitherto, like the rest of the Trumpery of That Church, they have been hid from the Eyes of the People, under the Veil of an unknown Tongue. And I thought it would be for the Service of the Publick to bring them to light.

XXVI. Some may, perhaps, esteem these Constitutions to be such a Blemish in our Church, as to render her Communion dangerous: and so should I, if the whole, or even one half of them, were still in force. But it is evident none of them are, none can be deem'd of any validity, but such as are not contrary to our Common-Prayer-Book, or Thirty Nine Articles, and, by consequence, our Homilies. For these are confirm'd by Statute; and a Statute (tho' no other Authority) is sufficient to invalidate, or set aside these Constitutions. Nor need any Man, nor even Clergymen, be scrupulous on the account of the Corruptions still remaining in Ecclesiastical Courts, to which they are subject. It is wholly the

Governour's Part to ſee that the adminiſtration of Canons, Laws, and Diſcipline be right and juſt: For the Subject's Duty is only to obey, not to direct and regulate the Proceedings of his Superiors. And certainly ther can be no Fault in ſubmitting to, and complying with the Commands of them that are in Authority, in caſe thoſe Commands do imply nothing that is ſinful. Granting, that the Manner and Form of the Eccleſiaſtical Judicature is liable to juſt Objections; yet it can be no fault for Subjects to allow of, and act according to their Determinations, upon Suppoſition, that they contain nothing contrary to Reaſon, Scripture, and Good Conſcience. I think it altogether as juſtifiable for a Private Clergyman to execute the Precept that iſſues from a corrupt Court, as to read a Chapter in the Church out of a Bible that he knows contains many Miſ-tranſlations, ſo long as he knows, that theſe Corruptions or Miſtranſlations do not directly hinder the Salvation of Mens Souls. They that think all Diſcipline, or even Divine Worſhip unlawful, but what hath no mixture of Impurities, muſt go out of this World to ſeek for it. Ther is no ſuch thing here on Earth. But it muſt be a very bad Church Government, or Diſcipline indeed, that is not better than none at all.

XXVII. If our Canons and Eccleſiaſtical Courts were modell'd never ſo exactly, according to Scripture, Antiquity, and the Judgment of the beſt Reformed Divines, yet the Know-

Knowledge of these Constitutions would have been of considerable use: because in many Cases old Laws and Canons serve to clear, or give light to new ones: therfore the Learned Bishop *Gibson* hath, with good reason, printed the old obsolete Statutes, as well as those which came in their stead. And farther, it seems very probable, that if we had one certain Body of Ecclesiastical Canons and Constitutions, compil'd by our Convocation since the Reformation, yet they would, according to the Method of Architects, have made as many of the old Materials as were for their purpose, serve toward the erecting their new Structure. Thus they proceeded in composing the Book of Common-Prayer. I mean, they translated what they thought best out of the *Latin* Service into the *English*. And as no greater Errors have been committed, in relation to our Liturgy, than those that have proceeded from an Ignorance of the *Latin* Missal, *Computus*, and other Ecclesiastical Books; so they who would have pretended to have understood the new (supposed) System of Canons, without comparing them with the old ones, would only have exposed themselves, as those others have don in relation to the Common-Prayer-Book: we may guess at what Method would have been taken in drawing up a new Body of Ecclesiastical Laws, by looking into the *Reformatio Legum Ecclesiasticarum*: and as it is evident, that they who compiled That System were well acquainted with the

old

old Canon-Law; so it is as evident, that they who were to explain, or put in practise That Scheme of Discipline, would have had frequent occasion to recur to these *Constitutions*, and to *Lyndwood*'s Gloss upon them.

XXVIII. It is not my Intention to degrade the Common-Prayer-Book, by observing that a very considerable part of it was taken from the publick Service-Books of the *Romish* Church. For it can seem no Paradox to them that are in any Measure acquainted with those Service Books to assert that ther are many most excellent Things among much Rubbish, and Filth, even in the Missal itself; And tho' I may perhaps be thought to take a bold Step in the next thing I have to say; yet I am confident that all who impartially read even the worst Part of these Constitutions beginning at *Langton*'s, and ending at *Chichley*'s, will be ready to second me when I say, that whenever the good Work of making a System of Ecclesiastical Canons is to be performed, ther are a great many particulars even in these Constitutions, which will well deserve a Place in this (now supposed) System; and especially in the foregoing Part of the Work; This agrees with,

XXIX. The last End which I proposed to my self in this Work, *viz.* That the discreet Reader, by looking back into the ancient Usages of our Forefathers, may discern which of them may deserve to be restored. I know ther are some who call nothing Reformation, but what in other cases we call Destruction, that

that is, pulling down the whole Fabrick. They imploy all their fine Talents this Way, I mean in denying, or demolishing old Principles, and Practises, and in endeavouring to bring old Systems into Contempt, without letting us know what they would institute in the stead of our present Constitution, if they can succeed in their Attempts to subvert it; only from the Genius of the Men we may easily be convinced, that the Foundations of our present Structure must be broken up, and the whole Frame be shatter'd, if they can obtain their Ends, and in lieu therof we must have some thing as thin, moveable, and pliant as a Shepherd's Tent, as perishable as a Gourd with a Worm in it. As to the external Œconomy of Church, and Religion they seem to have no Care, or Concern; and as for the internal Furniture, so far as I am informed, they assert but one thing to be necessary, that is *Sincerity:* And in this Point alone they are positive. They may pretend to take their Materials from the Scriptures; but they must first interpret away the true Sense of the Text by their new Glosses. Till now of late a Deference hath been paid to what is ancient, and a great deal of this sort is to be found in this Collection, at least in the former Part of it: and Papists do in no Points with so much Shew of Reason triumph over Protestants, as in those few Particulars, in which they have Antiquity with them. And I think it concerns all that have a real Concern for the

the Reformation to silence their boasting by following the Pattern of the Primitive Church in all Particulars; and to be asham'd to see that our Forefathers a thousand Years ago with all their Ignorance, trode more closely in the Steps of the Primitive, and even Apostolical Fathers, in some Points, than we, with all our Pretenses to greater Knowledge and Purity.

XXX. THE mighty Objection of the Men of this Age against the Church of the three first Centuries, is that their Doctrins and Practises were the Occasion of introducing the most gross Errors of the Church of *Rome*. Was it not, say they, the Opinions of the Ancients, concerning the Merits of Saints and Martyrs, that brought in the Worship of them in after Ages? Were not the Publick Confessions and Penances injoined to Criminals in the ancient Church, the rise of those Private Confessions and Penances injoin'd by Priests in the degenerate Ages? Did not the Privilege of the Primitive Bishops in relaxing Publick Penances, prove afterwards the occasion of *Roman* Indulgences? Was not the Honour paid to the Bishops and Clergy in the Primitive Church, an Introduction to that blind Obedience which they claimed in the darker Times? Did not their Prayers for the Souls of Saints deceased give Occasion for the Belief of Purgatory? and their Belief of a mysterious inward Change of the Elements into the Body and Blood of Christ, lead the Way to Transubstantiation? But if every thing that has been the Occasion of

Error

Error is therfore to be rejected, then we must bid farewel to Christianity itself. For it is evident, that none of these Errors had ever been broach'd, if Christianity had never been preach'd, and establish'd. At this rate, God would be very gracious in depriving us of Meat, and Drink, and Light, because many Men make Use of them all to do great Mischief to themselves, and others. No Things in nature are the occasion of more Sin and Folly: Shall therfore the virtuous and prudent Part of Mankind make no use of them, or forbid the use of them to others? If they who make these Objections against Antiquity, are at the heart Christians, let me desire them to consider, that this Argument is altogether as strong against the Bible itself as against the Primitive Church. If the Scriptures had not spoke honourably of Righteous Men, the Primitive Christians had never celebrated their Memories in the manner they did; if the New Testament had not requir'd Men to confess their Sins one to another, and to bring their Bodies into Subjection, and if the Apostle had not threatned Offenders with a Rod, ther had been no such Penances as we read of in the Churches of those first Ages; if the Gospel had not spoke of the Keys of the Kingdom of Heaven being given to the Apostles, and of their Power of binding and loosing, it cannot be conceived that the ancient Christians would have paid such regard to their Successors as they did; if the Scriptures had

not

not ſpoke of the Souls of good Men being in *Hades* (Hell, as we often tranſlate it), and of Sins being remitted in the World to come, ther is no reaſon to think that the Chriſtians of thoſe Ages would have offer'd their Devotions in behalf of their deceaſed Brethren; if our Saviour had not pronounced the Euchariſtical Bread to be his Body, and the Apoſtle had not paſs'd Sentence on unworthy Receivers, as Guilty of Chriſt's Body and Blood, the Primitive Church had never entertain'd a Belief of ſuch a myſterious Change. It is the Part of Wiſemen to diſtinguiſh between the Doctrines of the Primitive Church, and the Errors, which are ſuppoſed by Accident, and thro' the Perverſeneſs of weak, or deſigning Men to have been occaſion'd by them, and not to reject the firſt for the ſake of the latter. The Sun is an Occaſion of Corruption in all Terreſtrial Bodies: Will therfore any Man of common Diſcretion wiſh the Sun out of the Firmament on account of this accidental Inconveniency; Or will he adviſe Men to beware how they permit themſelves, or their Fields to be warmed by its kindly Rays, and Influencies, becauſe by means of its Warmth, much Corruption, and Miſchief hath been done?

XXXI. AND I recommend nothing to my Reader as fit to be imitated in theſe Papers, but what was originally taken from the firſt, pureſt Ages, or what is perfectly conſiſtent with primitive Chriſtianity; ſuch Canons and Con-

Conſtitutions, for Inſtance, as tend to the reſtoring ancient Diſcipline and Worſhip, that require a proper Behaviour in Biſhops, and Clergymen, and ſerve to quicken their Diligence in all Parts of their Duty, eſpecially in the Adminiſtration of Sacraments, and that caution them againſt Simony, and all Trading or Trafficking in Holy Things; and, in a Word, ſuch as were deſigned to promote Devotion, Piety, and good Morality, both among the Clergy and Laity. And thoſe few good Hints that we find in the Conſtitutions of the worſt Ages ſhould ſerve as a caution to us not to fall below the Laws, or Rules of the moſt corrupt Ages of the Church in the Conduct of our ſelves. I have not here, or in the Book itſelf often pointed at Particulars, becauſe I thought them perceivable enough to every ſagacious Reader, and becauſe ſome Points would ſeem too harſh, and even invidious.

XXXII. BUT ther is one thing of ſo high a Nature, that my Reader will excuſe me, if I take this Occaſion of ſpeaking more largely upon it. It is the Oblation in the Euchariſt. This a Practiſe and Doctrin mention'd in very many of the following Memorials, which prevailed here as well as in all other Countries, from the very beginning of Chriſtianity. This was deliver'd to us in a tolerable Degree of Purity by our Apoſtle (if I may have leave ſo to call him) the firſt Archbiſhop of *Canterbury*, if it had been tranſlated into the *Anglo-Saxonic* Tongue, the only Language

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our Anceſtors underſtood. I cannot indeed ſay, that it was in its perfectly primitive State, as practiſed by St. *Clement*, or the other firſt Biſhops of *Rome*, and as it came from the Hands of the Apoſtles themſelves. But tho' the Euchariſtical Service had before the Converſion of the *Engliſh*, undergone ſeveral Alterations for the worſe; yet, as it ſtill ſtands in the Sacramentary of Pope *Gregory* the Great, ther is nothing in the Oblation itſelf that greatly deſerves our Cenſure: and I cannot but freely declare my Judgment on this Occaſion, that a Liturgy with the oblatory Form, as we have it in that Sacramentary, is in this Reſpect more perfect, than any Liturgy that wholly wants ſuch an oblatory Form. And from the following Monuments it will, I conceive, evidently appear, that it was the then *Roman* Liturgy, which *Auguſtin*, and his Fellow Biſhops uſed in *England*, and which was continued with ſome Variations down to the Reign of King *Edward* the Sixth.

XXXIII. I am very ſenſible, that I have incurr'd the great Indignation of many by what I have formerly publiſhed on this Subject: and I profeſs my ſelf in a readineſs to incur their greater Indignation ſtill, if their good Will is not to be purchaſed without abandoning of Truth, or dropping ſo valuable, and eſſential a Part of the Chriſtian Worſhip. But I deſire my Reader to obſerve that I ſpeak this of the Oblation ſtrictly ſo called, and as diſtinguiſh'd from all other Parts of

Pope

Pope *Gregory*'s Eucharistical Service; nor would I be understood to approve his omitting the Invocation of the Holy Ghost: tho' here too I must add, that by praying for the Divine Grace and Benediction, on the Symbols he hath rendred his Form of Consecration preferable in this Respect to all Consecration-Prayers, that mention not either the Descent of the Holy Ghost, or the Divine Benediction of the Bread and Wine.

XXXIV. It has been a current Notion countenanced by Men of Great Name, that in the Reformed Churches the Sermon succeeded in the room of High-Mass. A strange Succession this, that one Part of the High-Mass (for such the Sermon was always esteemed, tho' not a necessary Part) should succeed in the stead of the whole. I wish, it could in Truth and Justice have been said, that the Primitive Apostolical Communion-Service succeeded as it ought to have done, in Place of the corrupt Mass of the Church of *Rome*. Discreet and Serious Preaching is useful, and even necessary to preserve the Clergy and People from relapsing into such a State of Ignorance, as that, from which the Reformation recovered us. But it is too evident, that the licentious Way of Preaching, used of late Years, hath done infinite Mischief to Religion; and hath served to distract Mens Understandings rather than to settle their Judgments. And things are come to such a pass, that no Man can explain, and inculcate even the Articles of our Faith, or

ſome of the moſt neceſſary Parts of Chriſtian Duty, but he muſt offend one Part of his Congregation. And whereas ſo much ſtreſs hath been laid on the Pulpit, and the Hearing of Sermons has been eſteem'd the principal Part of outward Religion ever ſince the Reformation, every diſcerning Man cannot but ſee the fatal Conſequence of it, when he obſerves, that now at laſt Preaching hath not only loſt its Power and Effect, but even its Credit and Eſteem among thoſe who moſt of all want good Inſtruction: and this hath proceeded chiefly from the Claſhing and Contradiction of Preachers, and from an Affectation of oppoſing publick Conſtitutions, and making an Oſtentation of Knowledge, and of Superiority of Judgment in the Pulpit; and a Contempt of the Primitive Church, as well as of the preſent. Such Preaching muſt of Neceſſity in a ſhort Time deſtroy the Reformation, that it was intended to ſupport; and threatens great Miſchief, and even Ruin to Chriſtianity itſelf; unleſs ſome timely Care be taken by a Regular Eccleſiaſtical Method to reſtrain Preachers from publiſhing their own crude Inventions in Chriſtian Aſſemblies; and the People be effectually taught to make a Diſtinction between airy Harangues form'd, and contrived on Purpoſe to ſtagger, and diſunite the Minds of the People; and ſober, ſound, practical Sermons fitted to their Capacities, and to the building Men up in Faith, Peace and Holineſs. I freely own Preaching to be a Divine Ordi-

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nance, and much used in the Primitive Church, but principally by Bishops to those of their own Diocese. Priests did sometimes preach as well as Bishops, and very often in some Places; and ther is a Necessity they should do it now, when ther are so many Churches in every Diocese, and the greatest Part of them so remote from the Cathedral, but certainly some special Provision ought to be made, that none, however they be dignified or distinguish'd, be permitted, under Pretence of Preaching, to run down old Christianity and Primitive Divine Truths.

XXXV. And tho' ther was frequent Preaching in the Primitive Church; yet the Eucharist was much more frequent than the Sermon; and in this Point we of this Church are directly opposite to the Primitive. They consider'd the Eucharist as the standing stated solemn Worship of the Christian Church, as the most acceptable prevailing Sacrifice that could be offer'd by Men, as the certain means of keeping an uninterupted Communion with God and Christ, and one another, and of fortifying themselves in their Conflicts against the Wicked World and Hellish Spirits; they consider'd it as an Institution perfectly Divine, on the effects whereof they might entirely rely, if they celebrated and received it according to their Master's Direction. They esteem'd Sermons as a very proper Appendage to this Sacrament, but not as an essential Ingredient of it; they knew, that tho' it was the Duty of

tain those Ends? Or, Whether it can be That Sacrament which was Instituted by Christ, if it be not consecrated in the manner that Christ directed? Or, Whether it can be truly Consecrated without being offer'd to God? Further, this Great Man thinks it much to be lamented, "That Divines shou'd raise a Dispute concerning That Point (the Sacrifice of the Eucharist) at a time when it is openly denied, that the very Sacrifice of Christ was real and propitiatory." Now, with submission, I know no time more seasonable for the Confutation of any false Doctrin, than That in which it was publish'd and advanc'd. And by proving the Eucharist to be a Sacrifice we do, by necessary consequence, prove Christ's Natural Body and Blood to have been a Sacrifice: and if it was a Sacrifice, it must unavoidably be Propitiatory; because ther never was any Sacrifice offer'd to God in a due manner, but what was Propitiatory: And Propitiation is essential to Sacrifice duly offer'd. And I must humbly declare my Opinion, that it is impossible to establish the Doctrin of *Christ*'s Body and Blood being a Real Sacrifice, by any other Arguments but those by which we prove the Eucharist to have been instituted as a Sacrifice by our Blessed Saviour. It wou'd be a very great hardship upon the Assertors of the Sacrifice, if they must be restrained from publishing their Notions till all the *Socinians* are dead. And it wou'd much better have become this Great Man to have injoin'd Silence

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to the *Socinians*, than to the Defenders of this Apostolical Truth. And if we must be Silenc'd till we have prov'd the Reality of the Sacrifice of Christ, without proving at the same time the Sacrifice of the Eucharist, I am pretty sure, we may stay till Dooms-day, and yet neither be able to do it ourselves, nor to see it don by others.

XXXVII. I cannot but acknowledge my Obligations to the Author of, *No sufficient Reasons*, &c. *Part* II. for informing me of the Grand Objection made against my Explanation of the Sacrifice in the Eucharist: for without this Information I had had no occasion to remove that Objection, which I choose to represent in his own Words, *viz.* Mr. *Johnson* supposes our Saviour to have begun his "Oblation of himself for our Redemption, "when he instituted his Last-Supper, and "thenceforward continued it even to his Ascen-"sion into Heaven: whereas he himself tells "us, more than once, that it was our Savi-"our's Sacramental, and consequently not his "Real and Natural Body that He then offer'd "in company of his Disciples. And since his "Natural Body was not then offer'd, how the "Oblation there made shou'd be more than "Representative of that upon the Cross; or, "in other Terms, that they shou'd be one and "the same Oblation, is a Mystery I find others "as well as my self unable to comprehend." *Pag.* 94. and just before he tells us, these *others* are Persons of Learning and Worth.

XXXVIII. I am the less surprised at this, because the late Reverend Dr. *Hickes* (to whose Judgment I paid a singular Deference, in composing the First Part of the *Unbloody Sacrifice*) did for a long time demurr upon this Point, after I had proposed it to him. The Pious Mr. *Nelson* wrote a Letter to me, desiring me to submit to Dr. *Hickes*'s Judgment in this Matter. But after I had drawn up my Reasons and Authorities at large, and laid them before him, the Dr. did, by Letter, declare, that he came into my Sentiment, and not only so, but being about that time reading *Clemens Alexandrinus*, τίς ὁ σωζόμενος, he sent me a Citation out of that Book very much to this purpose: and which I have inserted in my Appendix to the First Part of *Unbl. Sacr. pag.* 7. *g.* And I cannot but think, that this Worthy and Learned Writer, and his Friends, wou'd follow Dr. *Hickes* in this Particular, as they do in many others, if they wou'd please to consider this Point with that Impartiality that he did. And for evidence of the Truth of the Matter of Fact, as here represented, I have Dr. *Hickes*'s Letters yet to shew, and (I think) Mr. *Nelson*'s too.

XXXIX. Mr. *J——n*, says our Author, tells us, more than once, *That it was our Saviour's Sacramental Body, that he offer'd in company of his Apostles.* True, but I never say it was *His Sacramental Body only:* Nay, but in the very place to which he refers, I affirm, that *Christ did at once offer, or give to God,*

Bread

Bread and Wine, and gave them as a Pledge and Earnest of the Natural Body and Blood, &c. Unbl. Sacr. pag. 87. *Part* 1. And whoever reads my two Books on this Subject, will find, that I perpetually express myself to the same purpose. And if I had not, yet *Page* 9. 12, 13, of my Second Part wou'd sufficiently explain my Meaning. It is therfore very strange to me, how it can be a Mystery to this Writer, and to his Worthy Learned Friends, that the Oblation of the Bread and Wine, and of the Body and Blood, shou'd be the same Oblation. Did this Grave and Good Divine never yet read of Mens offering to God Houses and Lands, by presenting a Sword, a Piece of Money, a Pair of Gloves, upon the Altar of a Church? Was he never present at the delivery of a Deed of Gift, or Sale, or of Indentures of Lease or Release, where, by delivery of a piece of Parchment, or two, a good Estate in Houses, or Lands, was transfer'd to the Donee, or Purchaser? And will he, in order to make a Mystery of these Donations, or Conveyances, make the Oblation and Delivery to be two several Oblations or Deliveries? I must have leave to say, that no Explanation of the Sacrifice of Christ's Natural Body and Blood, is more clear and unexceptionable than That proposed by me, and which I learn'd from the Primitive Church. And upon this Foundation, if the Bread and Wine were given to God, so were Christ's Natural Body and Blood too. If God the Father accepted the Bread and Wine as Christ's

Body

Body and Blood, or as Pledges of his Body and Blood, then it is reasonable that the Church in all Ages to come shou'd esteem of, and treat them as such. And this gives us a plain and obvious Reason, why Christ shou'd call the Materials of this Institution *His Body and Blood.* And if Christ had not thus modified his Sacrifice, no part of it could have been consumed in the Service of God; and tho' this was not absolutely necessary, because some Jewish and Heathen Sacrifices were not either in whole, or part, so consumed; yet it was in the highest degree proper and requisite, that it shou'd be don, because most of the Jewish Sacrifices, which were in a peculiar manner Types of Christ, were either in whole, or in part, consum'd in the Service of God. And what is eaten and drunk in the Service of God, and according to His Direction, is as truly consumed in Honour to Him, as what was of old burnt in the Fire on the Altar.

XL. I do not, nor ever did, deny that Christ offer'd Himself on the Cross; but I declare, I cannot prove it from Scripture; so that, if it be true, I leave it to be proved by Tradition: And this Learned Author may produce some Sayings of the Fathers, and abundance from modern Writers, to support this Notion. But I hope he will not equal these Traditions with the Word of God. If it could be proved from the New Testament, that Christ, as a Priest, offer'd Himself on the Cross, this wou'd not disprove His Oblation of His Body and

Blood

Blood in the Institution of the Eucharist: for most Sacrifices were two or three several times offer'd to God; yet I know not one single Example of a Sacrifice offer'd by the Priest, during the Mactation, much less by the Act of Mactation. But I must remind this Honest Good Man of one Particular, *viz.* That all Animate Sacrifices were always, both among the *Jews* and *Gentiles*, actually once offer'd before their Mactation: If therfore Christ did not offer Himself in the Eucharist, he must assign some certain time before the Mactation began, that is, before He was nailed to the Cross, in which He did actually tender Himself as a Sacrifice to God; or else he must be forced to own, that He was no real Sacrifice; and far be this from so Venerable a Divine as he, with whom I am now arguing. It is true, we do not now offer the Bread and Wine to God, as Pledges of his Body and Blood again to be slain and poured out, but as Symbols of them long since slain and poured out: And that it is not necessary that we shou'd offer the Eucharist precisely with the same View that our Saviour did, I have shew'd in the First Part of *Unbl. Sacrif. Page* 96.

XLI. As this Holy Oblation was first deliver'd to the *English* Church in a tolerable degree of Purity, (bating the unknown Tongue in which it was performed) so by the Thirteenth Century, the Sacrifice of the Mass became one of the greatest Abominations of

That

That Church; it had before this been corrupted with direct Invocation of Saints, and almost innumerable fantastick Ceremonies; now it became the same monstrous Service it is at present, by the additional Ceremony of the Elevation of the Host, and injoining Divine Honour to be paid to it: And so the most Sacred Office of Religion was most of all unsanctified.

XLII. BUT, on the other hand, I find it expected by some, that in consequence of the Doctrin, which I have at large explain'd and defended in the First and Second Part of the *Unbloody Sacrifice*, I should publickly use those Forms of administring That Sacrament, for which I plead in those Books.

But certainly, neither I, nor any Priest, who believes Bishops to be a Superior Order, and that by Divine Right, did ever assert, that a Priest hath Power himself to alter the Liturgy. Any Pleader at the Bar, may, in defence of his Clients, or of himself, remind the Judge of any necessary Form in Law omitted by him; but it does not follow, that if the Judge persist in his omission, the Pleader may assume the Authority of a Judge, and do it himself. I take it for a certain settled Maxim of Ecclesiastical Worship and Government, that no one inferior to a Bishop can make Alterations in the Liturgy; and it is as certain, by our present Constitution, that a Bishop, nay, even all the Bishops, with the Archbishops at the head of them, cannot do it.

XLIII.

XLIII. SUPPOSE the Sacrament of the Eucharist had been entirely dropt at the Reformation, and still continued in publick disuse, I solemnly declare my Opinion, that no Priest, or Numbers of Priests, could have had sufficient Authority to restore it: And the reason is plain, according to the determination of *Ignatius*, *viz.* That neither Baptism, nor Eucharist, are valid, unless authorized by the Bishop. What I have always pleaded for is, that it is necessary the Primitive Forms of celebrating the Eucharist be restored, by a just Ecclesiastical Authority. I have ever asserted, that the Bishops are the proper Guardians of the Altar, and that they are principally concerned to secure the Purity of the whole Christian Worship, but especially of That which is the most necessary and essential part of it.

XLIV. IF indeed a Superior injoin any thing that is sinful, it is my Duty to decline his Commands; and if he insist upon my Compliance with him in this Point, so far as to make it a necessary Article of my Communion with him, I must forfeit my Communion with him, rather than comply with any such sinful Terms. But if he only do not injoin what is necessary, the most that can in reason be expected of me, is, that I shou'd freely declare my Opinion in the Point; and leave those to judge of it, whom God hath appointed Judges in the Case. I wish I had not reason to say, that many think this too much, and

and that I have don it too freely. Yet I cannot but Praiſe God, that He enabled me to do the Work itſelf; and I ſee no juſt Cauſe to condemn my ſelf for the manner of doing it, tho' ſome others might have don it much better.

XLV. BUT ſince the Oblation is neceſſary, is not the aboliſhing and diſuſe of it ſinful? I anſwer; it is ſinful in them who were, or are, the Cauſes of it. But who they are, or were, I declare I know not. And tho' I am perſuaded, ther never could be any juſt Reaſons for aboliſhing, or diſuſing it; yet ther might, and perhaps may ſtill be ſuch falſe appearances of Reaſon as to prejudice them againſt it, and to excuſe, or abate, the ſinfulneſs of it in the ſight of God. But the moſt bitter Adverſary cannot impute either the abolition or diſuſe of it to me. Some perhaps may tell me, that a Prieſt, or Layman, who lives in the Dioceſe of a Biſhop who uſes not the Oblation himſeif, nor requires his Prieſts to uſe it, ought to break Communion with That Biſhop, and to join himſelf in Communion with ſome other Biſhop that does uſe the Primitive Form of Oblation, and of adminiſtring the Euchariſt. And this may be true; however I am not diſpoſed to diſpute the Caſe; but ſtill it muſt be upon Suppoſition, that the Biſhop who uſes theſe Primitive Forms require no Terms of Communion, that are ſinful in other Points. And let it be well proved to me, that there

are

re in any part of the World, Bishops (or one ingle Bishop) duly and canonically Constituted, who do use the Eucharistical Forms ccording to the Primitive Scheme, without dding any adulterated Mixtures of the Idoatry or Superstition of latter Ages. And till lemonstrative Proof be given me, that ther re such Bishops, or some one single Bishop anonically Constituted, and particularly in vhat Province of the Universe his Diocese ies, I shall think it sufficient to govern myelf in this Point as I have hitherto don, and o wait the leisure of Divine Providence for he Regular Restauration of the Primitive Forms. And I pray God grant, that whenever I am taken hence, I may be found, as I have hitherto been, in a peaceable, anti-Schismatical disposition of Mind.

XLVI. My Reader will now give me leave to express my Satisfaction, that I have, by the Divine Assistance, brought this Work so near to a conclusion. And I cannot but congratulate myself, that while others, much superior to me, in all respects, have been imploy'd in ascertaining the true sense of a *Celebrated Writer* of this Age of Light, in some of his most Famous Pieces, I have pass'd my time in endeavouring to discover, and represent to the World the true Meaning of our ancient Kings, Prelates, and other Great Men, in their Laws, Canons, and other Publick Memorials first drawn in Nine Hundred of the darkest Years that ever pass'd since the

Incar-

Incarnation of Chriſt. I wiſh I could be as fully perſwaded in my own Mind, that I have always been as ſucceſsful in entring into the true Meaning of the Originals I tranſlate, as I judge them to have been in the Conſtruction they have given us of That *Celebrated Author's* Writings. But if in any Particulars I have been guilty of Miſtake, (as it is ſcarce credible that I ſhould not) my Errors will, I hope, be look'd upon as pardonable, eſpecially by thoſe who will not be convinc'd, that their own *Bright Writer* is juſtly underſtood by ſome of the moſt Learned Men, who live in the ſame Age, and that have had the very ſame Education with him. For if ſo many Men of Senſe and Judgment are thought by them to have miſtook the Meaning of one who writes in our Mother-Tongue, with ſo clear a Head, and tranſparent a Style; certainly it is much more venial in a ſingle Man, of my Mediocrity, to miſapprehend ſome dark Paſſages in Monuments of Antiquity, written in Times remote, in Languages now dead, by Men who wanted the Politure and Fineneſs of this Age. And whatever Trips I have made, yet I dare preſume to ſay, none greater than thoſe of their own Side, who have gon before me in the Search of *Engliſh* Antiquities. I have another Advantage in the choice of my Authors whom I have undertook to tranſlate, that as I have all the reaſon in the World to believe, they wrote with a deſign to be rightly underſtood; ſo, if they were now alive, they would

would use no Palliations to conceal their real Meaning, nor be angry at me for taking Things as they meant them. For I believe my Authors to have been Men that outdid some of the Greatest of our Age, in That which they themselves extol as the most excellent Quality, or rather, as the only Good Quality in the sight of GOD, that is SINCERITY. And I have so great an Opinion of the most of them, in this respect (always excepting our *Roman* Legates) that I should have been glad to be under their Correction. Nay, I wish, that any Knowing Men that were Contemporaries to those who first wrote these Memorials, had taken the pains to explain them, and transmitted their Explanations down to us; I should certainly have thought myself safe in taking them for my Guides. I might, perhaps, have been told, that these Guides might mislead me; or, at least, none can be sure that they have the Mind of their Authors, except Authors will be their own Interpreters: But I shou'd have thought it sufficient to reply, That they who will allow none but themselves to be the Interpreters of their own Writings, shou'd be content to be their own Readers. For to what purpose shou'd they publish what none but themselves are to understand? It hath been no small pleasure to me, in compiling this Work, if with taking some pains, I could discover any thing before unknown in the Polity of our Ancestors. But

where is the Satisfaction in reading a Book, which to me seems full of dangerous Errors, or ill-grounded Paradoxes; and then to be told by my Author, at the next turn, that he meant no such Evil as I supposed, that he asserted nothing but what is very common, very trivial? Even they that loved the seeming Errors for the Errors sake, must acknowledge themselves disappointed, not to say deceived, in case they give any credit to the Author's own Gloss upon his former Books; or, at the best, must be forced to own, that he is an able Man in double Entenders only.

XLVII. I shall take leave of my Reader, when I have first paid a Debt of Gratitude to those who have given me any Assistance in Composing this Work. And first, I make my Acknowledgments to the Reverend Dean and Chapter of the Metropolical Church of *Canterbury*, and more particularly to the (then) Vice-Dean, the Reverend Dr. *Elstob*, for the Liberty I had of perusing Mr. *Somner*'s Annotations on Sir *H. S.*'s Volumes of Councils, *&c.* deposited in their Archives. Next, to the Reverend Dean and Chapter of the Cathedral Church of *Rochester*, for the use of their *Textus Roffensis*, (the most valuable written Monument of Antiquity in our whole County) by which I was enabled to discover Sir *H. S.*'s Errata, in his Edition of King *Wihtred*'s Laws, *&c.* with my own Eyes, and to distinguish between

between these and *Somner*'s conjectural Emendations. And I should be unjust, if I did not particularly commemorate the great Humanity of the Learned Antiquarian *John Thorp*, M.D. of That City, for giving me his Assistance in this Matter. To the Reverend Mr. *Tebb*, the Learned Editor of *Justin Martyr*'s *Trypho*, I am indebted for the accurate Collation he sent me of Sir *H. S.*'s Edition of *Cuthbert*'s Canons, and *Ecgbriht*'s Exceptions, with the Original MSS. in the *Cotton* Library; and for his Transcript of the Supplements to the latter. The Ingenious *George Smith*, Esq; from whom we expect a new and more accurate Edition of the Venerable *Bede*'s Ecclesiastical History, did, of his own free Motion, present me with a genuine Copy of *Athelard*'s Council at *Clofes-hoo* in the Year 803, transcribed from a Manuscript in the same Library. The Reverend Mr. *Mickleburgh*, Fellow of *C. C. C. Cambridge*, accommodated me with the perusal of the Manuscript which contains the Canons of *Elfric*; and from which I transcribed the Supplement to them. This, and the other Manuscript from which the second Edition of *Ecgbriht*'s Excerptions were taken, are a part of That Great Treasure of Antiquity which Archbishop *Parker* deposited in That College. The Reverend Mr. *Rigden*, Fellow of St. *John*'s College, *Cambridge*, deserves my particular Thanks for the Transcripts made by him for my Informa-

tion. Ther is another too nearly rela me to be forgotten, and who has a Ri be remembred by me, by Merit, as w Nature, and who can be unknown to that are in any measure acquainted wit without whose constant Assistance and spondence this Work could never have brought to maturity.

Some Advertisements necessary for the Reader.

1. *IN this Work I undertake the Part of a Translator only, not of an Editor; yet I have taken due care to have the Text as correct as possibly I could, as the Reader will find upon a Perusal; and where Sir* Henry Spelman's *Edition was imperfect I have procured Supplements from the Manuscripts.*

2. *I meddle not with the Doctrine of the Church, any farther than it is interwoven with the Laws, Canons, Constitutions, and other Memorials relating to Government, Discipline, and Worship, contain'd in these Papers. Therfore I have not inserted the Decrees of the* Lateran *Council under Pope* Martin *the First, which were confirm'd by a Synod holden under Archbishop* Theodore *at* Hatfield, *in the Year* 680. *For they contain only a tedious Repetition and Ratification of the Decrees of the five first General Councils, and a condemnation of the* Eutychians *and* Monothelites. *It is sufficient to advertise my Reader, that*

the English Church ever firmly adhered to the Doctrine of the Catholick Church, in relation to the Trinity and Incarnation.

3. *I have not descended to any Diocesan Canons, but have inserted only such as were National, or Provincial, or commonly so esteemed at least: But I thought it just to take in the Laws, or Dooms of King* Wihtred, *not only as being made for a Kingdom (for such was* Kent *in that Age) but as containing two Dioceses, and as being somewhat singular and of great Antiquity. Indeed I know of no Diocesan Canons made here before the Conquest. The earliest whose Acts are come down to us, is that held by* Wulfstan *Bishop of* Worcester, *in the Year* 1092. *but these contain no Canons. If I had taken in the Diocesan Canons made during the next* 400 *Years, it would have increased this Work near one third part in Bulk, not one tenth in Substance. For the most valuable part of the Diocesan Canons were either copied from the Provincials, or, as it sometimes happen'd, transferr'd into the Provincials.*

4. *I have not entred into the History of the Church any farther than was necessary, in order to post the several Memorials, or Systems, in their proper Time, or to give my Reader what Light I could into the Occasion and Design of the several Laws and Canons; or, lastly, to fill up some great Chasm between the*

fore-

I. *Question.*

Of what Availment is the Oath of a Bishop, Priest, Deacon, or Monk, in Case of Necessity.

Answer.

Let the Orders aforesaid have the Privilege of verifying Matters upon Oath, according to the Degree of their Dignity; the Priest after the Rate of [a] 120 Plough-lands; the Deacon after the Rate of 60; the Monk after the Rate of 30: But this is [meant] of Criminous Cases. Further, when a Dispute arises concerning the Bounds of Lands, the Priest, by his own Attestation upon Oath, may convey to the Right of the Church one Plough-land; the same is allow'd to two Deacons; and the Testimony of three Monks is sufficient to the same Purpose.

[a] *Tributarius* and *Manons* signified the Tenant to a Plough-land, or the Plough-land itself. *Bede* uses *Familia* in the same sense, as where he says, the Isle of *Thanet* contain'd 600 *Familiæ*. We must exclude *Stonar*, as then under Water. If the remaining seven Parishes have 4000 Acres each, yet this will make but 595 *Familiæ*, at 50 Acres *per Familiam*. But I take it to have been little more than half this, while the Marshes were under Water; and that therfore a Plough-land was then under 30 Acres, 120 of these was then the greatest Rate at which any Subject was laid.

II. *Question.*

Whether a Priest [or] Deacon may be Witnesses of the last Words of dying Men, concerning their Estates?

Answer.

Let him take with him the two, or three, by whose Testimony every Word may be establish'd; lest the Kindred of the Deceas'd, out of Covetousness, contradict what is said by the Ecclesiastics, if a Priest, or Deacon, shou'd only give his Testimony.

III. *Question.*

If a Priest, Deacon, or Monk, is impeach'd for some nefandous Crime, without any evident Proof,

by what Means shall they be purged, if they are Innocent?

Answer.

Since the Testimony of two or three Witnesses is to be rely'd upon, lest we should oppress him that is without Sin, by too severe a Sentence, and Innocence should be crush'd by our making a Difficulty in Relation to the Witnesses, let it be allow'd to every one who is under the [Ecclesiastical] Rule, to produce Witnesses of the Degrees of Priest, Deacon, or Monk, for the Purgation of himself, when he is accused. Two, or three of these, such as he can procure, are abundantly sufficient. Let him that wants Compurgators, thro' —— or the Fear of the Accusers, be sufficient of himself alone, for the Defence of his own Innocence, if the Eye-sight of the Witnesses, or Children born do not prove him guilty. For it is scandalous that either the Wickedness of Priests should increase thro' Neglect; or that Innocence should be oppress'd thro' Defect of the Law: Therfore we ordain, That he who is impeach'd for any Crime, do put the Lord's [b] Cross on his Head, and testify by Him that liveth for ever, who suffer'd upon the Cross, that he is clear from that Crime. And thus all Things are to be left to the Divine Judgment.

[b] It appears, that in the Province of *Canterbury*, the Oath of Purgation was to be made by laying the Hand on the Altar. See *Wihtred*'s 18th Law. Yet it is probable that *Theodore* used to swear Men on the Cross; for *Burchard* cites his *Penitential* to this Effect, *viz. He who forswears himself by the Hand of the Bishop, or by a consecrated Cross, is to do three Years Penance; he that forswears himself by an unconsecrated Cross, one Year's.* See *Petit's Theod. Penit. p.* 77.

IV. *Question.*

If a Priest, or Deacon, upon Examination, be found guilty, what cautionary Means must diligent Pastors

3. The Freeman that hath to the value of thirty Pence in Field-Stock ought to pay St. *Peter's* Peny. The Lord by paying Four Pence shall acquit his [d] Bordars, Boners, and Servants. The Burgess that has the value of half a Mark is bound to pay St. *Peter's* Peny. He that is a Freeman by the Law of the *Danes*, and has to the value of half a Mark in Field-Stock is bound to pay St. *Peter's* Peny. And for the Peny which the Lord pays, all that live on his Demesne shall be acquitted. 18.

[d] *Bordars* were little Tenants, who held a few Acres of Land of the Lord, on condition of their Hedging, Diking, Thrashing, Grinding for their Lord's Family. *Boners* were probably Tenants of the like sort, who lived in Cotages, on the Lord's Waste: For *Bonarey* signifies *Waste*, says Sir *H. S.* They are both new Terms introduced by the *Normans*.

4. Let him that denies St. *Peter's* Peny [be obliged to] pay it by the Ecclesiastical Court, and thirty Pence as a Mulct: If he be sued for it in the King's Court, let him pay thirty Pence to the Bishop, and forty Shillings to the King. 20.

5. If a Man die Intestate, let his Children equally divide the Inheritance. 36.

6. If a Father catch his Daughter in Adultery in his own House, or in his Son in Law's House, he may lawfully kill the Adulterer. 37.

7. [e] If a *Norman* be cast in a Duel, let him pay the King sixty Shillings: And if the *English*-Man refuse to defend himself by Duel, or by Evidence, let him preserve himself from Outlawry by Ordeal. 70.

[e] It is evident by these two Laws, that the King trusted in the length of his *Normans* Swords, and by these bore down the poor *English*, and sent them for redress to the most ignoble trial of Ordeal. King *Edward* the Confessor, tho' too much addicted to the *Normans*, yet wou'd never have thus treated his *English* Subjects.

71. 8. The King ordains, That in all Cases of Ou lawry the *English*-Man purge himself by Ordeal And if an *English*-Man impeach a *Norman*, in [Matter of] Outlawry, and be willing to prove upon him, let the *Norman* defend himself by Du And if the *English*-Man dare not try him by Du let the [f] *Norman* defend himself by a full Oa without a verbal Scrupulosity.

[f] 'Tis strange, that the Oaths of *English* Men wo not pass, in Cases where the *Normans* did: for *English* Man in the same Circumstances was put to deal. By a *full Oath* I understand, an Oath made such a number of Men as the Law required. Let wh will imagine these to be the Laws of King *Edward* cannot but say they smell strong of the *Norman*, the Conqueror. And you may take a cast of his ten Cruelties in that Law of his, *Wheloc*, *p.* 137. *La* 126. *viz.* "I forbid any one to be kill'd, or hang'd for a "Crime, but let his Eyes be put out, his Testic "Hands, or Feet cut off, that he may remain a liv "Trunk, as a Monument of Treachery, or Wickedn

The End of the First Volume.

foregoing and following Systems. When I could not discern any intrinsick Marks of Time in the Memorials themselves, or in their Titles, or Prefaces, or by any Information which I had from other Writers, I have taken the Liberty of ascribing them to any one Year in which the Author reigned (if he were a King,) or presided (if he were an Archbishop.) And herein I do no Injury to Truth, because I always advertise my Reader of the uncertainty of the precise Year of their Birth: And the reason of my always prefixing a certain Year before every Sett, or System, of Laws, Canons, or other Memorials is, because I make it my principal Note of Reference.

5. *My Numbrings of the particular Laws, Dooms, Canons, or Capitula, agree with Sir* Henry Spelman's *throughout his first Volume, excepting where I make some Additions to what he published. But the larger Constitutions in Sir* Henry Spelman's *Second Volume either are not numbred at all, which is the Case for the most part, or their Divisions are made without any just regard to the nature of the Things on which they treat, and the Copies do not agree in making their Breaks at the same place. It is known, the Canonists distinguish their Constitutions by the first Words with which they severally begin, which is the reason that the old Copies have no Numbrings.* Lyndwood *used no other distinction, and often makes but one Constitution where I have*

made two or three, & vice versâ : *And th*
he made but one Constitution of them, yet h
broke them into several Parts, and places th
under distant Heads, according to the Meth
of Canonists. Here I was forced to u
my own Discretion; and I chose to follow th
Series of Sir Henry Spelman's *Copy, or f*
That at the end of Lyndwood *and* Athon
publish'd at Oxford, *as I saw occasion; b*
the Numbrings are my own: And I use th
as my other Note of Reference.

6. *If the Reader would find any one o*
these Constitutions in Lyndwood, *his rea*
way is first to find it in the Copy now mention'd
at the end of L *and* A, *and in the Marg*
there he will find the number of the Page wher
Lyndwood *hath posted it.*

7. *I always present the Text entire, ex-*
cepting many Citations of Scripture, to which
I only give the Chapter and Verse, especially in
King Alfred's *Preface to his Laws: For I*
thought nothing less Instructive than such ac-
cumulations of Scripture to no visible purpose.
But when the Words are very pertinent, or
very much otherwise, I have given them at
length. In translating the Prefaces of the
Provincial Constitutions I have not wholly o-
mitted the Proemiums, as Lyndwood *did,*
because they give some Light to the Constitutions
themselves. And Lyndwood *therfore supposes*
that his Reader has these Proemiums before
him,

and often refers to them under the name ecisa. *In turning these Proemiums I only prun'd away some superfluous Ex-ences of Words and Phrases, and endea-d to omit nothing of Consequence: But were drawn in a very flatuous Style, and in but very little Sense in many Lines. as to the whole enacting Part of the Con-ions it was my Rule, and I religiously ob-d it, not to drop one Word: If I have where omitted one Particle of Moment in Constitutions, strictly so called, it was Inadvertency, not Design. And I can say the same in relation to all the Me-als contained in the First Volume of Sir* ry Spelman's *Councils, except the latter of Pope* Gregory's *Answers, and the s of Scripture before King* Alfred's *Laws. in truth, there are no Proemiums, or short ones, in all the Laws, Canons,* &c. *e the Reign of King* Henry *the Third: the Style of some of the* Latin *Canons, particularly* Odo's, *is very swelling: This what* William *of* Malmsbury *calls* the lish Pomp; *for in speaking of Bishop* helm's *Style, which was most like that of s, he says,* "Acumen *is peculiar to the* reeks, Nitor *to the* Romans, Pomp *to the* nglish." *In his Life of* Aldhelm, *Part* I. *alc.*

8. *Whereas* Lyndwood *often curtails and transposes the Text of his* Constitutions, *I have never used that Liberty, but kept myself to the Series and Letter of my Copies; insomuch that I have more reason to fear the Censure of being too faithful a Translator, than of taking too much liberty. My Reader may sometimes observe, that I translate even the obscurity of my* Original; *and pretend not to make my Translation perfectly clear, where the* Latin *or* Saxonic *is dark.*

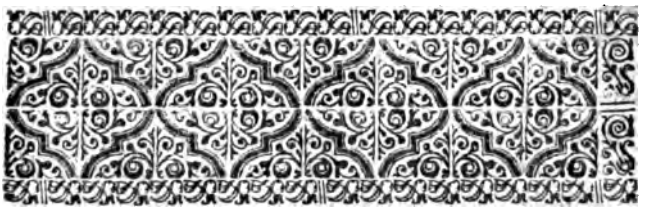
9. *In the* Saxonic *Part I have always informed my Reader where I depart from Sir* Henry Spelman's *Text, if the Alteration amount to an entire Word, and I tell upon what Authority I depart from it, and when I do it upon my own Conjecture only. But I rarely advertise my Reader of my differing from him in the Translation, because I found it necessary to do it so often, that I thought it would look invidious to advertise all his Mistakes, or what I at least look'd upon as such. The Words and Sentences are often wrongfully divided too in his Edition. I have not always taken notice of these Errata. For my Reader, by comparing my Translation with his Text, will easily discover how I read the Words, and made the Points, if he be a Saxonist; if he be not, such Observations wou'd be insignificant to him. And what I have said of the* Saxonic *Memorials first publish'd by Sir* Henry Spelman *is,*

in

n some measure, true of those published by Lambard, *especially as to his Translation; but his Text was more correct than Sir* Henry Spelman's.

10. *If any strange Word appear in the Text of my Translation, which is not explain'd in my Notes at that place, let the Reader look into my Index, and he will find the meaning of it. This Advertisement is indeed unnecessary for Learned Antiquarians; but this Work was designed chiefly for Beginners in* English *Ecclesiastical Antiquity.*

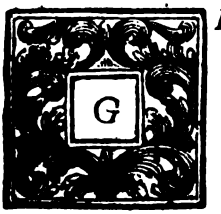
N.B. *I have not translated King* Henry *the First's Laws relating to the Church and Religion, not only because they are so closely interwoven with the Temporal Laws, that it would be hard to separate them, but because they contain little or nothing but what you have in the old* Saxonic *Laws contain'd in these Papers. The Singularities in these Laws, which are but few, the Reader will find in the Addenda.*



Anno Dom. DCI.

The Anſwers, or Reſcripts, of GREGORY the Great, Pope of *Rome*, to the Queſtions of AUGUSTIN, firſt Archbiſhop of *Canterbury*.

PREFACE, to Pope GREGORY's Anſwers.



REGORY the Firſt, called alſo the Great, ſent Auguſtin, *the Head of a Monaſtery in* Rome, *to convert the* Engliſh *to Chriſtianity, in the Year of our Lord, 596, or thereabouts. He, with his forty Monks, arrived in the Iſle of* Thanet, *where* Ethelbert *King of* Kent, *whoſe Dominion reached to the* Humber, *gave them a Meeting, and invited them to* Canterbury, *the Seat of his Govern-*

ment;

ment; the King, with many of his People, was in a short time converted to Christianity, Berhta *his Queen, a* French *Lady had been bred in that Religion, and had then a Christian Bishop actually attending her.* Augustin *being consecrated Archbishop of* Canterbury, *by* Etherius *of* Arles, (*as* Bede *affirms, tho' others, with greater Probability, say he was consecrated by* German *Bishops, in his Journey to* England,) *soon after saw Occasion to send the following Questions to be answered by P.* Gregory, *not for his own personal Information, (for he cou'd not possibly be ignorant in many Points here proposed) but because he saw it necessary to have several of these Particulars enforced on the Consciences of his Clergy and People, by a greater Authority than his own. He receiv'd the following Answers from* Gregory, *together with his Pall; and ther is no Reason to doubt, but they were received by the new* English *Converts with as great Regard as if they had been the Decrees of a General Council; for the Authority of the Pope was one principal Doctrine, which* Augustin *did industriously inculcate upon all Occasions: And it is certain, that for several Ages before this, the Bishops of* Rome *assumed to themselves a greater Authority than they could in Justice claim: And in this Particular,* Gregory *and our Archbishop* Augustin *cannot be excused. Tho'* Gregory *was of an aspiring Temper, yet he was far from assuming to himself that absolute Authority over the whole Christian Church, which his Successors in the following Ages arrogated to themselves: Nay, he condemned the Ambition of* John *Patriarch of* Constantinople, *for stiling himself,* Universal Bishop, *and stuck not to call it* Antichristian *and* Diabolical. *He was equal to most of his Predecessors, in a pious Zeal for propagating Christianity, and seems to have excelled all of them in Learning: But he had an immoderate Affectation of the Monkish Life, and was one of the most eminent Advocates for it; and of this I dare say he would have repented, if he had*

lived

lived to ſee the Monks as they afterwards were, the greateſt Corrupters of true Chriſtianity. But the Popes of the baſer Ages could ſee no Faults in them, becauſe they were the chief Inſtruments of advancing the Authority of the See of Rome, *tho' to the great Diminution of Epiſcopacy.*

I have tranſlated theſe Queſtions and Anſwers from Bede, *according to the printed Editions of Sir* Henry Spelman, *and Mr.* Wheloc: *But I muſt obſerve to my Reader, that the Learned Monſieur* Petit, *among his* Collection of ancient Monuments of Eccleſiaſtical Diſcipline, *annext to* Theodore's Penitential, *hath given us many* Select Canons, *from a Manuſcript in the Hands of* Antony Vion, *Lord of* Herouval; *and he obſerves ther were no Canons in this whole Book, but what were made before the Age of the Emperor* Charles the Great, *(who was born in the Year* 747, *and who died in the Year* 814,) *and therfore not much inferior to the Times of* Bede, *if not equal with him. Among theſe are the Anſwers or Reſcripts of* Gregory, *but in the Form of Canons. The Queſtions of* Auguſtin *are not ſet down, but ther are ſhort Titles put in their ſtead, and many of the Anſwers are ſhorter than theſe in* Bede. *Monſieur* Petit *was of Opinion, that theſe Canons were the genuine Reſcripts or Anſwers of* Gregory, *and that the Additions in* Bede *are ſpurious. He tells us of a Learned Man, call'd* Petrus Guſſanvillæus, *who had condemned the common Editions of theſe Queſtions and Anſwers, as full of Interpolations, tho' he knew nothing of theſe Canons of* Herouval; *and farther, that he had pointed out the ſpurious Additions; and that the Sagacity of his Conjectures did afterwards appear, by comparing his Emendations (which he had before publiſh'd) with this moſt ancient Manuſcript:* For they agreed, *ſays* Petit, in all Particulars, ſave two or three, of no great Moment. Gregory's *Anſwers are in that Copy reduced into twelve*

Canons; nine of them are printed by Petit, *as serving to his Purpose, which was to establish the Authority of* Theodores Penitential, *as publish'd by him. I have taken care to inform my Reader how much of the following Rescripts are found in those Nine Canons. The other there are suppress'd by Monsieur* Petit, *as not being serviceable to his Design: Of these therefore we have the Titles only.*

A. D. DCI.

I. *Question of* Augustin.

Lat. HOW shou'd Bishops deal with their Clergy, or how shou'd the Oblations which the Faithful bring to the Altar, be divided?

Gregory's *Answer.*

The Holy Scriptures, and especially the [a] Epistles of the blessed *Paul* to *Timothy*, in which he endeavours to instruct him, how he should behave himself in the Church of God, do expressly declare this. It is the Custom of the Apostolical See to charge Bishops, when they are Ordained, that the whole Income be divided into four Parts, the first for the Bishop and his Family, that he may be able to keep Hospitality; the second for the Clergy, the third for the Poor, the fourth for the repairing of the Churches. But because you, my Brother, have been trained up in the Monastic Rules, you ought not to live apart from your Clergy, in the *English* Church lately converted to the Faith, but as our Fathers did in the Infancy of the Church, when *no one said, that ought which he possessed was his own, but they had all Things common.*

But

[a] The following part of this Paragraph is the first Canon, according to the *Her.* Mss. the Title is, *How a Bishop ought to deal with his Clergy.*

[b] But if ther be any of the inferior Clergy who cannot contain, they ought to marry, and receive their Dividend apart from the reſt: For ſo it was alſo among our Fathers, as it is written, *Diviſion was made to all, as every one had Need.* Proviſion muſt be made for their Subſiſtence, and they are to be kept under the Eccleſiaſtical Rule, and a good moral Behaviour, and they ſhou'd ſing Pſalms early and late, and preſerve their Heart and Body, by the Help of God, from every thing that is ſinful.

[b] This Paragraph contains the ſecond Canon, according to the *Her.* Mſs. the Title is, *Of the Salaries of married Clergymen.* The *Paris* Edition, 1518, from which Sir *H. S.* publiſhed his, prefixes a new Queſtion to this Paragraph, *viz. Whether Clerks who cannot contain, may marry; and if they do marry, whether they may return to the Secular Life?*

[c] There is no Occaſion for us to ſpeak at preſent of [d] making Dividends of Hoſpitality, of giving Alms [e] *to Men that live in common:* What you have beyond what is neceſſary, is to be expended in Piety and Charity, ſince the Lord and Maſter of all ſays, [f] *Give that in Alms, which you have over and above, and behold all things are clean unto you.*

[c] This Paragraph contains the third Canon, according to the *Her.* Mſs. the Title is, *Of living in common, and of Alms.*

[d] Lat. *De faciendis portionibus*; but the *Her.* Mſs. has it, *deficientibus portionibus*, while their Dividends were deficient or ſcanty.

[e] Theſe Words in the different Character are not in the *Her.* Mſs.

[f] So *Gregory* underſtood the vulgar Latin, *Luke* xi. 41. *Quod ſuper eſt date Elemoſynum*, &c.

II. *Queſtion of* Auguſtin.

How ought a Biſhop to officiate in the Church, ſince

g since the Faith is one, the Customs of Churches various, and one manner of Mass prevails in the Holy Church of *Rome*, another in the Church of the *Gauls*.

g The foregoing Words stand at the end of the first Question, in all Editions, I think. But I suppose I have restored them to their proper Place. Ther was no Occasion for them in the first Question, and this Question is imperfect without them. The Dislocation is ancient, for it is in *Alfred*.

Gregory's *Answer*.

h You, my Brother, know the Custom of the Church

h This Rescript makes the fourth Canon in *Her*. Mss. with this Title, *Of celebrating Mass*. This Answer may seem strange to some, since it is sufficiently clear, from *Ecgbriht*'s 16 *Answ. Art.* 1 & 2. that the Missal, and other Offices of the *Roman* Church were always here used, that *Gregory* sent them hither by *Augustin*, as the stated Forms of Worship, for the Church then to be raised in *England*, and ther is not any Shadow of Reason for supposing, that any other Forms did prevail here in these Ages. The best Account I can give of this Matter is, 1*st*, That some Offence might be taken, by the King, Queen, or others, at the Diversity of Rites between *Augustin* and *Luidhard*, who, before *Augustin*'s Arrival, used to officiate at St. *Martin*'s Church near *Canterbury*, according to the *French* Forms, which differ'd from the *Roman*. 2*dly*, *Luidhard* being dead, or return'd to *France*, before these Answers came to *Augustin*'s Hands, the Occasion of the Question ceased. If he were yet alive, ther is little Reason to think, that he continued here, when the Queen had no further Occasion for him, because she could now join in the same Worship with her Royal Consort. 3*dly*, The Occasion of this Offence ceasing, ther is no Reason to believe, that *Augustin* did ever compile any new Form, nor is it pretended that he did. 4*thly*, The Pope does not give *Augustin* leave to use the *French* Liturgy, nor was it consistent with the Dignity of the *Roman* Church at this Time, that her Forms should give place to the *French*; nor is ther any Cause to believe that they did.

Church of *Rome*, in which you was bred. But it is my Opinion, that if you have found any thing that may be more acceptable to God, whether in the Church of *Rome*, or that of the *Gauls*, or any other, you carefully ſelect it, and by ſingular Inſtruction inſtil what you may have collected out of many Churches, into the Church of the *Engliſh* newly converted to the Faith: For Things are not to be valued on Account of Places, but Places for good Things: Therfore chuſe out of every Church what is pious, religious, and right, and treaſure up this Compoſition in the Minds of the *Engliſh*, as a cuſtomary Uſe [for Divine Offices.]

III. *Queſtion of* Auguſtin.

How ought he to be puniſhed that ſteals any thing out of the Churches?

Gregory's *Anſwer.*

[i] You, my Brother, may judge by the Condition of the Thief, how he ought to be corrected. Some ſteal tho' they are provided of Maintenance, others out of Want; therfore it is neceſſary, that ſome be puniſh'd with Mulcts, ſome with Stripes, ſome ſeverely, ſome with lenity; and when Severity is uſed, it muſt be done with Charity, not with Fury, with this View, that he who is corrected may not be caſt into Hell-fire. For we ought to exerciſe Diſcipline over the Faithful, as good Fathers do over their carnal Children, whom they whip for their Faults, and yet deſire that they whom they afflict ſhould be their Heirs; and keep what they have for thoſe whom they ſeem to perſecute with Indignation. This Charity is therfore to be obſerv'd, in order to dictate the Meaſure of Correction, that the Mind may not be

[i] This Anſwer contains the fifth Canon of the *Her.* Mſs. with this Title, *Of Things ſtolen from the Church.*

transported beyond the Bounds of Reason. You will add, How should they who have stole ought from the Churches make Restitution? But far be it from the Church to receive any Increase by the earthly Things which she loses, or to gain by the Follies of Men.

IV. *Question of* Augustin.

Whether two own Brothers may marry two own Sisters, related to them at a great Distance?

Gregory's *Answer.*

[k] This is lawful beyond all doubt, for ther is nothing in the sacred Oracles contradicting it.

[k] Ther is nothing of this Rescript in the *Her.* Mss.

V. *Question of* Augustin.

At what Distance may the Faithful that are related in Blood, marry with each other? or, Whether it be lawful to marry Mother-in-Law or Cousin-Germans?

Gregory's *Answer.*

[a] A certain [b] sordid Law in the *Roman* Republick, allows either the Son and Daughter of a Brother and Sister, or of two Brothers, or of two Sisters, to be married together: But we have learn'd by Experience, [c] that the Offspring of such a Match

[a] This Rescript contains the sixth Canon of *Her.* Mss. with this Title, *Of Marriage with such as are near akin.*

[b] Lat. *Terrena*, but this Word is not in the *Her.* Mss. *Gregory* clearly means, *Lib.* 1. *Tit.* 10. of *Justinian's Code*, which permits Cousin-Germans to marry. The Words of this Answer enclosed in Hooks, are not in the *Her.* Mss.

[c] Lat. *Sobolem ex tali conjugio non posse succrescere.* I cannot think the Meaning of this to be, that *such Marriages* are *barren*; for to say that such Mixtures produce no Children, was to encourage private and wicked Familiarity between Persons so related; and the Latin will bear this Rendition which I have given in the Text.

a Match cannot thrive, [and the [d] Holy Law forbids us to uncover the Nakedneſs of thoſe that are near akin,] therfore the Diſtance of [e] three or four Generations is neceſſary, to make a Marriage lawful among Chriſtians: For they of the ſecond ought wholly to abſtain from each other. But to lie with a Mother-in-Law is a horrible Crime, becauſe it is written in the Law, *the Nakedneſs of thy Father thou ſhalt not uncover*; and he that uncovers the Nakedneſs of his Mother-in-Law, uncovers the Nakedneſs of his Father, becauſe it is written, *They two ſhall be one Fleſh*. It is alſo forbidden to marry a Brother's Wife, becauſe by her former Marriage ſhe was made [f] one Fleſh with thy Brother. [g] [*John* Baptiſt was beheaded, and crowned with Martyrdom, becauſe he ſaid to the King, That it was unlawful for him to enjoy his Brother's Wife.] But becauſe ther are many of the *Engliſh* Nation, who had contracted ſuch unlawful Marriages, while they were in a State of Infidelity, they are, upon their coming over to the Faith, to be admoniſhed, that they abſtain from each other, and made ſenſible of the Sin they have committed; let them dread the terrible Judgment of God, leſt for the ſake of carnal Love, they incur

[d] *Lev.* xviii. 6.

[e] *Theodorus* obſerves, that the *Greeks* married in the third Degree, and that the *Romans* did not annul a Marriage in the ſame Degree: His own Reſolution of the Caſe was, That any might marry in the fifth Degree, and if they were found marrying in the fourth, the Marriage ſhould not be diſſolved. See *Theod. Penit. c.* 11. *p.* 12.

[f] Thy Siſter. Mſs. *Her.*

[g] This is one of thoſe Interpolations which *Guſſanvillæus* diſcovered, without the help of any Mſs. I have choſen the Interpolation of K. *Alfred*, as ſhorter and more to the Purpoſe, than that in the preſent Latin.

cur eternal Torments: [h] Yet they are not upon this Account to be deprived of the Communion of the Body and Blood of Christ, [i] lest we should seem to revenge upon them the Covenants made before their Baptism. For the Church at present corrects some Sins out of Zeal, some she bears with out of Lenity, some she connives at for good Reason; and so bears and connives, as by this Means often to restrain the Evil which she hates. All that come over to the Faith are to be warned, that they commit no such Crime; and if any do, they are to be deprived of the Communion of the Body and Blood of Christ. For as the Sin of those who transgress thro' Ignorance is to be born with, so they who sin against Knowledge are severely to be punish'd.

[h] *Theodore* in his *Penitential*, gives more Countenance to this, than *Gregory* does in this Rescript. He says, *Tho' the Marriage be unlawful, yet a Man may entertain himself with such as he has. Theodore* was Archbishop of *Canterbury* above seventy Years after *Augustin*. Any modern Pope writing on this Subject, would have said, that the Marriage was null, without His Holiness's Dispensation: But a Dispensation was a Thing unheard of in those Days, till the Twelfth Century. The Reader will not, I hope, conclude that I certainly look on *Theodore's Penitential*, as publish'd by *Petit*, to be genuine, because I here cite it.

[i] Here ends the sixth Canon, according to the *Her.* Mss. therefore what here follows is spurious, if that Mss. be authentick.

VI. *Question of* Augustin.

If Bishops cannot easily assemble, by reason of their Distance, and long Journeys, Whether a Bishop may not be ordained, without the Presence of other Bishops?

Gregory's *Answer*.

You cannot Ordain Bishops otherwise than by yourself alone in the Church of the *English*, because

cauſe you are, at preſent, the only Biſhop there. When Biſhops come from *Gaul*, they may aſſiſt as Witneſſes, when you Ordain a Biſhop. But [k] we deſire you, my Brother, to Ordain Biſhops in ſuch a Manner, that they may not be at too great Diſtance from each other; that three, or four, may meet to Ordain a Biſhop, for it ought not otherwiſe to be done: For we may take Example from carnal Things for regulating ſpiritual Affairs. Married Perſons are invited to Weddings, that they who have before entred upon a Married Life, may rejoice over them that follow: Why therefore, in this ſacred Myſtery, in which a Man is married to God, ſhou'd not ſuch meet together, as may rejoice at his Advancement, and pray for his Safety.

[k] All the foregoing Part of this Anſwer is omitted, in the *Her.* Mſs. The ſeventh Canon begins thus, "Let "Biſhops be Ordained in ſuch a Manner, that they may "not be at too great Diſtance from each other;" and ſo on, as in this Tranſlation. For I have here followed the Mſs. only, as being more clear than the other Copies; and yet ſaying all that is ſaid in the others. The Title of this Canon is, *Of making Ordinations.* As to the omitting the firſt Part of this Anſwer, it muſt be owned, that ther are ſome Grounds of Suſpicion that it is not genuine. It may juſtly ſeem ſtrange, that two ſo conſiderable Perſons as *Peter* and *Laurence*, ſhould be ſent with this Queſtion to *Rome*, and that four ſuch notable Men as *Mellitus*, *Juſtus*, *Paulinus* and *Ruſinianus*, ſhould come with *Auguſtin*'s Pall from the Pope, and yet none of theſe ſix ſhould be Ordained Biſhops at *Rome*, when yet Pope *Gregory* could not but know by this Queſtion, that ther was Occaſion for more Biſhops than one in *England:* Nay, it ſeems unaccountable, that *Auguſtin* himſelf ſhould go, by Sea and Land, ſo far as *Arles*, to be conſecrated himſelf alone. He could not but know, or would however have learn'd at *Arles*, that three Biſhops are required by Canon to Ordain another, and that if therfore he had not two others Ordained with him, he ſhould be uncapable of miniſtring Epiſcopal

copal Ordination here in *England*, according to the Canonical Form. Five of the seven Persons before-named were afterwards Bishops: Let any Man consider whether this be credible, and therfore whether this is not to be imputed to a Defect in the Writer, who gave no Account of any Ordination but *Augustin*'s. Perhaps some who had observ'd this Flaw in *Bede*'s History, endeavoured to salve it, by inserting this Question, and the former part of this Rescript. K. *Alfred*'s Latin Books differ'd from our present Editions, or rather, were contrary to them; for his Translation is thus in *English*, "Even in the *English* Church, in which, as yet, you are "the only Bishop to be found, you may not hallow a "Bishop in this Manner, without other Bishops; but "Bishops shall come to you from the Kingdom of *Gaul*, "such as may stand Witnesses at the hallowing of a "Bishop." Copies have been alter'd since *Alfred*'s Time.

VII. *Question of* Augustin.

In what Manner shall we treat the Bishops of the *Gauls* and *Britons*?

Gregory's *Answer*.

[a] We give you no Authority over the Bishops of the *Gauls*, because the Bishop of *Arles* hath of old receiv'd the Pall from my Predecessors: And we ought not to deprive him of his Authority: If therfore, you my Brother, chance to pass into the Province of the *Gauls*, you ought to treat with the Bishop of *Arles* in such a Manner, that if ther be any Faults among the Bishops, they may be corrected, and that you may kindle in him a Zeal for Discipline, if you find him remiss: And I have written to him, that when Your Holiness is among the *Gauls*, he may give you his most hearty Assistance, and restrain in Bishops whatever is contrary to the Divine Command. But you are not to

[a] Here our Mss. is not transcribed by Mr. *Petit*, he only gives us the Title of that which is with him the eighth Canon, *viz. Of the Bishops of the* Gauls *and* Britons.

to act the part of a Judge over the Biſhops of the *Gauls*, as being not within the Bounds of your Juriſdiction; but by Perſuaſion, Curteſy, and good Example, to reclaim the Minds of them that do amiſs, to the Study of Holineſs, becauſe it is written in the Law, *When thou goeſt through another Man's Field, thou ſhalt not put thy Sickle into his ſtanding Corn, but rub the Ears of Corn in thy Hand, and eat.* And you are not to uſe the Sickle of Juſtice in another Man's Harveſt; but to take away the Chaff of Vice from the Lord's Wheat, by the Efficacy of your own good Endeavours, and by your Admonition and Perſuaſion convert it to the Nouriſhment of the Body, that is, the Church: Whatever is done there in an authoritative Manner, muſt be done in Conjunction with the Biſhop of *Arles*, that the ancient Inſtitution of the Fathers may be maintained. But we commit all the Biſhops of the [b] *Britains* to you, my Bro-

[b] When the Pope gives *Auguſtin* Authority over all the Biſhops of *Britain*, 'tis probable that he meant this as a perſonal Privilege, which was to die with him. There is a Latin Letter in *Bede*, *l.* 1. *c.* 29. that expreſly ſays this. Nor can the Authenticknes of the Letter be diſputed; *Bede* does refer to it in his Epiſtle to *Ecgbriht*. But it is reaſonable to preſume, that the Pope did afterwards make another Settlement of the Archiepiſcopal See, at leaſt our Writers ſo underſtood the Caſe, for they univerſally ſpeak of the Archbiſhoprick of *Canterbury*, as founded by *Gregory* and *Auſtin*. *Albinus*, *Bede*'s Informer, met with *Gregory*'s firſt Letter, but not with thoſe Letters, Reſcripts, or Inſtruments whereby an Alteration was made in this Reſpect. It is utterly incredible, that the Biſhop of *London* ſhould never have claimed the Primacy, when his Right was ſo well ſupported as it was by this Bull, if it had not been well known that other Proviſions had been made in this Reſpect. And *London* in the Ages following after K. *Ethelbert*, was ſeveral Times in the Hands of Princes that were able to maintain the City of *London*'s Right to the Primacy, if they had been ſenſible of ſo juſt a Claim as the Pope's Letter was thought in thoſe Ages.

ther,

ther, that the unlearned may be instructed, the weak strengthned by good Advice, the perverse be corrected by [your] Authority. [c]

[c] One of the *Paris* Editions here inserts a Question and Answer, concerning the Relicks of St. *Sixtus*, but they are certainly spurious; and indeed they are framed without any Consistency.

VIII. *Question of* Augustin.

1. Whether a Woman big with Child may be baptized? 2. How long must it be e're she come to Church, after she is brought to Bed? 3 How old must the Child be e're it be baptized? 4. After how long a Time may her Husband lie with her? 5. May a menstruous Woman come into the Church, or partake of the Sacrament of Communion? 6. May a Man coming from his Wife's Bed, enter into the Church, or receive the Sacrament of Communion, before he have wash'd himself with Water? The rude Nation of the *English* want full Satisfaction as to all these Particulars.

Gregory's *Answer*.

'Tis certain, you, my Brother, have formerly made this Enquiry, and I think I have answered it. But I suppose you desire to have your own Directions and Sentiments confirm'd by my Rescript.

1. [d] Why should not a Woman big with Child be baptized, since carnal Fecundity is no Sin in the sight of God? For when our first Parents had sin'd in Paradise, they forfeited, by the just Judgment of Almighty God, that Immortality which they had receiv'd from him. Since then it was not

[d] The ninth Canon of the *Her.* Mss. begins thus, *A Woman with Child may be baptized*, &c. as in this Paragraph; and the two following the Title is, *Of baptizing Women in Danger of Death, and of their Offspring.*

ɔt God's Intention to extinguiſh Mankind for ıeir Sin, he at the ſame Time deprived Man of is Immortality; and yet thro' the Tenderneſs of is Mercy, he continued to him the Propagation f his Kind. With what Reaſon then can that ;ift of God, which was indulged to human Naıre, become an Obſtacle to Baptiſmal Grace? ıdeed it is very abſurd to ſuppoſe, that the free ;ift of God is inconſiſtent with that Sacrament, ı which all Sin is entirely blotted out.

2. But in how many Days after her Delivery a Voman may enter into the Church, you have :arned from the Old Teſtament, that is, that for Male Child ſhe ſhould abſent her ſelf thirtyhree Days, for a Female Child ſixty-ſix, *Lev.* xii. , 5. which yet is taken to ſignify ſome Myſtery: 'or if ſhe come [e] to be Church'd the ſame Hour n which ſhe is Deliver'd, ſhe is not to be char;ed with Sin on that Account. The Laſciviouſ.eſs, not the Pain of the Fleſh is in Fault; Chil.ren are begotten in Laſciviouſneſs, brought forth n Pain: On which Account it was ſaid to the ırſt Mother of us all, *In Pain ſhalt thou bring forth :hildren.* If therfore we forbid a Lying-in Wonan to come to Church, we impute her Puniſhnent to her as a Crime.

[e] *Actura gratias:* This ſeems to imply ſome known Rite, or Form of returning Thanks.

3. 'Tis in no wiſe forbidden to baptize either the Lying-in Woman, the very Hour in which ſhe is brought to Bed, or the Child, in the very Hour in which 'tis born, if ther be any Danger of Death. For as the Grace of the Holy Sacrament is with great Care to be procured for them who are living and looking; ſo to them who are under the imminent Danger of Death, it is to be offered without Delay; leſt while we ſtay for the proper

[f] proper Season for the Sacrament of Redempti
before that Time come, the Person to be redee
ed should be no more to be seen. [g]

[f] *Viz. Easter*-Eve, and *Whitsun*-Eve.

[g] Here ends the ninth Canon, according to the H
Mss.

4. [h] The Husband should not lie with his Wi
till the Child be weaned. [i] But an evil Custo
prevails among married People, that Women so
to give Suck to the Children which they be
and put them out to be nurs'd by others; wh
Invention seems to owe its Rise wholly to Inc
tinence: They disdain to suckle the Child
which they beget, because they are not dispo
to contain. However, the Women who thro'
Custom put out their Children to be nurs'd
others, ought not to lie with their Husbands,
the Time of their cleansing be over, for thi
forbidden, while the Custom of Women is u
them, even when it is not occasion'd by Ch
birth; insomuch that the Holy Law inflicts D
upon the Man that goes in to a menstruous
man, *Lev.* xviii. 19.

5.

[h] Here begins the tenth Canon of the *Her.* Mss. w
contains this and the following Paragraph. The T
is, *Of a Lying-in, or Menstruous Woman.*

Petrus Gussanvillæus had affirmed the first Sent
of this Paragraph to be spurious; but *Petit* assure
that it is in the *Her.* Mss. and he observes, that *Clem*
Alex. teaches the same Doctrine, *Strom. l.* 3. but the
does not impose it as necessary, as *Gregory* seems in
ned to do. *Theodore* only lays an Abstinence of fi
Days, after the Woman's Delivery, but of three Mo
before, *Pœnit. c.* 11.

[i] The *Reformatio Legum Eccl.* in the Reign of K
Edw. VI. condemns the Practice of putting out Child
to nurse, *De Matrim. c.* 13.

5 Yet a menſtruous Woman ought not to be forbidden Entrance into the Church, for the Superfluity of Nature cannot be imputed to her as a Fault: And it is not reaſonable ſhe ſhould be deprived of her Liberty of coming to Church, on account of what ſhe ſuffers againſt her own Will. For we know the Woman who had a Bloody-Flux came behind our Saviour, and touch'd the Border of Chriſt's Garment, and immediately her Infirmity departed from her. If this Woman was praiſed for touching the Border of his Garment, why ſhould it be unlawful for a menſtruous Woman to go into the Church? Yet it becomes a pious Mind to acknowledge a Fault where ther is none. A Woman ought not at thoſe Times to be repell'd from the Sacrament of the Communion; yet ſhe is to be commended, if out of Reverence ſhe preſume not to Communicate.

6. But [k] a Man that hath laid with his Wife, ought not to enter the Church, till he hath bathed himſelf in Water, nor yet preſently after he hath bathed. The old People were commanded by the Law of *Moſes*, that when a Man had lien with a Woman, he ſhould be bathed in Water, and not enter into the Tabernacle, before the going down of the Sun, which yet may be ſpiritually underſtood; for a Man lies with a Woman, when the Mind delightfully embraceth an evil Luſt that riſeth in his own Thoughts: For the Man ought not to think himſelf fit for the publick Aſſembly, who perceives himſelf burden'd with the Guilt of a depraved Will, till he have cool'd the Fire of it. And tho' the Sentiments and Practiſe of ſeveral Nations be very different, as to this Particular, yet it has, for many Ages paſt, been the conſtant

[k] This is the eleventh Head in the *Her.* MS. but *Petis* gives us only the Title, *viz. Of lying with one's own Wife.*

Practice of the *Romans* to purify by bathing, and reverently to abstain for a while, after having performed the Conjugal Act. In saying this we do not make Matrimony a Fault; but lay a Restraint from entring into the Sacred Place, on Account of that carnal Pleasure, which is unseparable from the Conjugal Act. And this Pleasure cannot be without Fault; for he was born of lawful Wedlock, who said, *Behold, I was shapen in Wickedness, and in Sin my Mother conceived me*—— In which Words he does not charge conjugal Conversation with Sin, but the Pleasure of it: Many Things are lawful, and yet we are polluted by the doing of them —— Anger against Vice is commendable; and yet the Discomposure it causes, is not without Fault. Yet if any Man be carried to lie with his Wife, not by Lust, but by a Desire of procreating Children, he is to be left to his own Judgment, both as to going to Church, and receiving of the Sacrament of the Body and Blood of our Lord: For he ought to have no Restraint laid upon him, who being in the Fire does not burn. But when Pleasure, not Procreation, bears Rule in this Matter, Husbands and Wives have Cause to lament their Embraces: For when the Apostle *Paul* had said, [a] *Let him that cannot contain, have a Wife*, he took Care presently to add, *But this I speak by Indulgence, not by Command.* What is [wholly] lawful, is not indulged—— What he indulged, he therfore thought faulty. It ought seriously to be considered, that the Lord, when he was going to speak to the People in Mount *Sinai*, first charges them to abstain from their Wives. And if when God speaks by a Creature, ther were such

[a] He cites Scripture, *Memoriter*, and therfore unaccurately. The Apostle had said just before, that *they might come together again, that Satan might not tempt them, by means of their Incontinency*, 1 Cor. vii. 5, 6.

ſuch a Proviſion made for Bodily Purity; how much more ought Women, who receive the Body of the Lord Almighty, to preſerve their Bodily Purity, leſt they be ſurcharged with the Weight of the ineſtimable Sacrament? Therfore the Prieſt ſaid unto *David*, and his Servants, *If they were clean from Women, they might eat the Shew-bread.* When a Man, after the Conjugal Act, hath bathed himſelf, and ſo is fit to enter into the Church, according to the aforeſaid Determination, at the ſame Time he may alſo receive the Sacrament of the Communion.

IX. *Queſtion of* Auguſtin.

Whether a Man may receive the Body of the Lord; or if he be a Prieſt, whether he may celebrate the Holy Myſteries, after a nocturnal Pollution?

Gregory's *Anſwer.*

[b] The Old Law pronounceth a Man unclean in this Caſe; and permits him not to enter into the Tabernacle, till the Evening, as we ſaid under the former Head; and yet the Spiritual People will take this to mean another Thing, as was hinted in the former Caſe; for he, who being tempted to Uncleanneſs is defiled by his own Thoughts, is as it were under the Illuſion of a Dream, and he is to be waſh'd with the Water of his own Tears, that he may be freed from the Guilt of his own Thoughts, and he ought to look on himſelf as unclean till the Evening, or till the Heat of the

[b] We have here only the Title of the *Her.* MS. *viz. Of the Illuſion, which happens in Sleep.* How much of the Reſcript is in the twelfth Canon of that MS. can only be known to thoſe who poſſeſs it, or who have *Guſſanvilæus*'s Book. But the Reader is to obſerve, that I have taken Liberty very much to abridge the two laſt Anſwers of *Gregory*; for the Pope is moſt immoderately prolix, eſpecially upon the Caſe of nocturnal Illuſions.

Temptation go off. And ther is a very necessary Distinction to be made as to this Illusion; that is, it ought nicely to be considered, from what Cause this happens to the Mind of Man in his Sleep, Sometimes it proceeds from Intemperance, sometimes from the Superfluity or Infirmity of Nature. And when it comes from Superfluity, or Infirmity, no Man ought to be concern'd at the Illusion; because the Mind is no way accessary to it; and may grieve for the bearing, rather than for the doing of it. But when a Man is by his Appetite transported to Intemperance in Diet, and the Vessels are by that Means over-laden with Humours, the Mind does thereby contract some Guilt, but not to such a Degree as to detain Men from receiving the Holy Mysteries, nor from celebrating Mass, if (as it may happen) a Festival Day does absolutely require this to be done; or if Necessity compel him to give the Sacrament, and no other Priest can be had. For if others are present to perform the Ministration, he ought, I conceive, humbly to abstain from the Oblation of the Sacrament. But an Illusion proceeding from Intemperance, does not lay a Man under a Prohibition from receiving the Sacrament, unless it have smitten the Mind of the Man in his Sleep, with a foul Imagination: For ther are some in whom the Illusion is raised in such a Manner, that the Mind, tho' residing in the Body, is very often not polluted with any filthy Fancy——— But if the Illusion of a Man in his Sleep proceed from his foul Thoughts while he was awake, then the Mind may easily perceive its own Guilt. For she knows from what Root the Defilement grew, *viz.* that what she willingly thought of, that she unwillingly endures——— Every Sin is perfected by three Steps; the Devil makes a *Suggestion*, the Flesh raises a *Delectation*, the Soul gives *Consent*. The

Serpent

pent *ſuggeſted* the firſt Sin, *Eve*, as Fleſh, was *ighed*; *Adam* as the Soul, *conſented*—— When : malignant Spirit *ſuggeſts* a Sin to the Mind, if *Delectation* follow, no Sin is committed; but en the Soul begins to feel a *Delectation*, then begins to be conceived; but, when ther is a iberate *Conſent*, then the Sin appears to be fi-h'd. It often happens, that the Soul does not ſent to what the malignant Spirit ſows in the oughts, and which the Fleſh raiſes to a De-ation: Yet the Soul, even in reſiſting carnal aſure, is carried to a ſort of Delectation, a-nſt its Will; (ſince the Fleſh indeed, without : Soul perceives no Pleaſure;) ſo that it doth th Reaſon contradict and with-hold its Conſent; l yet cannot but perceive the Delight, and ear-lly lament it.

A. D. DCII. or thereabouts.

King Ethelbert's Dooms Ecclesiastical.

PREFACE.

"*King* Ethelbert, *after the Example of the* [a] Romans, *made judicial Decrees for his Nation, with the Advice of his Wise Men, which are yet kept written in the Language of the* English, *and are observed by them. In these he first of all appointed what Satisfaction ought to be made, for taking away the Goods of a Bishop, or of those in the other Orders.* Bed. Lib. 2. c. 5

These judicial Decrees are extant in the ancient MS. call'd Textus Roffensis, *and are publish'd by the excellent Dr.* Hickes, *in* Dissert. Ep. pag. 89. *with* Laet's *Latin Translation. Sir* H. S. *publish'd the three first,* Concil. Vol. 1. pag. 127. *I have added three more from* Laet. *There are eighty nine of them in all.*

[a] *Ethelbert* might be said to act after the Example of the *Romans*, in taking the Advice of wise Men, not in laying Mulcts on such as robb'd Churches, or Bishops; this was contrary to *Gregory*'s Direction, in his third Answer to *Augustin*. But *Gregory*, perhaps, did not know this Taxation of Capital Crimes to be the General Practice of the *Saxons*; tho' *Tacitus* mentions it, *De Morib. Germ.* and if the King had these Mulcts, (as is probable, from *Law*, ?) then it was not contrary to *Gregory*'s Answer.

Sax. THese are the Dooms which King *Ethelbert* establish'd, in the Days of *Augustin*.

1. God's [b] Fee, and Church's Fee is a twelve-fold Mulct.

[b] *Fee.* That is, Money, Goods, or Chattels.

The

The Bishop's Fee is an elevenfold Mulct.
The Priest's Fee is a ninefold Mulct.
The Deacon's Fee is a sixfold Mulct.
The Clerk's Fee is a threefold Mulct.
A Church's [c] Peace is a twofold Mulct.

[c] *Peace.* That is, The quiet Enjoyment of the Service of God, and their Privileges, without Molestation. By this Law, he who robb'd a Church, paid twelve times the Value of the Thing stolen: He who broke the Peace of a Church, as much again as he who broke the King's Peace.

A Monastery's Peace is a twofold Mulct.

2. If the King call his People to him, and any Evil be done to them, the Satisfaction is twofold, and Fifty Shillings to the King.

3. If the King be drinking at any Man's House, and any Mischief there be done, let the Satisfaction be threefold.

4. If a Freeman rob the King, let him pay a Forfeiture [d] ninefold.

[d] The principal Breach of the Church's Peace, was violently to take away those who fled thither for Sanctuary: The King contented himself with the Satisfaction which he granted to the Priest.

5. If a Freeman rob a Freeman, let him make threefold Satisfaction, and let the King have the Mulct and all the Goods.

6. If a Freeman lies with a Freeman's Wife, let him submit to his [e] Weregeld, and [f] purchase another Woman with his own Money, and bring her to the other Man [g] in her Stead.

[e] That is, the Mulct for Murder: Therfore Adultery was punish'd as Murder.

[f] Women, or Wives, were bought. See Law of *Ethelb.* 76.

[g] Æt ham, *to his House.*

A. D. DCLXXIII.

THEODORE'S Canons.

PREFACE.

A Uguſtin *and his five Succeſſors in the See of* Canterbury, *ſeem to have wholly employ'd themſelves, for near ſeventy Years, in converting the People to Chriſtianity, and ſettling the Divine Worſhip. Upon the Vacancy of the See of* Canterbury, *by the Death of* Deus-dedit, *the firſt Native Metropolitan,* Wighard *an* Engliſh *Prieſt was ſent to* Rome, *by the two Kings of* Kent *and* Northumberland, *to be conſecrated in his ſtead. But ſoon after his Arrival there, he died of the Peſtilence. Upon which Pope* Vitalian, *after having made an Offer of the Archbiſhoprick to two others, who refuſed it, prevailed on* Theodore *to undertake the Charge, tho' not without the Conſent and Deſire of the two Kings.* Theodore *was born at* Tarſus *in* Cilicia, *and had ſpent the greateſt part of his Life in* Greece, *and the* Eaſt, *but lived now at* Rome, *in Quality of a private Monk, and was but Sub-Deacon, tho' above Sixty Years of Age, and had received the Eaſtern Tonſure only, when he was nominated to the Archbiſhoprick. He was received here as a publick Bleſſing, by the Kings and People, and was the firſt Archbiſhop, ſays* Bede, *to whom all* England *ſubmitted; and in Truth the Biſhops of* York *were not at this Time Metropolitans. He brought over with him many* Greek *and* Latin *Books; erected an Academy at* Canterbury, *and had with him a good Number of Men*

Men to teach the Sciences, and the Greek *and* Latin *Tongues, beside* Adrian *the Abbot, first of those two that refused the Archbishoprick, who was really sent by the Pope, as a Spy upon* Theodore, *lest he shou'd introduce any of the* Greek *Rites in* England. *It is said ther was no Discipline in this Church, before his Time: And indeed, the best regulated Churches were grown very loose as to this Point. Publick Penances were only done in* Lent, *and tho' Men were excommunicated for Obstinacy in some scandalous Crimes, yet they were absolved within a few Months after they submitted to the Church. But auricular Confession began now to succeed in the room of publick Discipline.* Theodore *wrote a* Penitentiary, *which was to direct Confessors how to conduct themselves in hearing Confessions, and enjoining Penance. And they made Confession to the Priest necessary, not in order to obtain his Absolution, but to be inform'd what sort of Penance was required for every Offence, and for the several Degrees and Circumstances of it. And the most difficult part of the Priest's Office, was to know how to proportion the private Penance to the Crime: And* Theodore's Penitentiary *was look'd upon as the best Rule in this Particular: And he was, in Truth, one of the Greatest Men that ever sate in the Chair of* Canterbury; *but he carried it with a high Hand towards the Bishops, who therfore did not overmuch affect him. And the Pope shew'd his Jealousy of him again, by sending* John *his Precentor, to teach the* English *Clergy, not the* Roman *Service, as some have imagin'd, (for that they receiv'd from* Augustin) *but the most approved Modes of singing it; and to enquire into the Faith of* Theodore, *and the rest of the Bishops. Upon which he call'd a Synod at* Bishops-Hatfield, *in* Hartfordshire (*not at* Hoth-field *in* Kent, *as some, by Mistake, have thought) in which they did in ample Form declare for the Faith of the five first General Councils. But I am not at present concern'd*

with

with this Council, because nothing was there ordain'd in Relation to Government or Discipline: Yet this was a regular Ecclesiastical Council, call'd and holden by Theodore *the Archbishop, in the Year* 680. *So was his Synod at* Herudford, *that is,* Hartford. *And they were indeed both of them National Synods; and in the first of them* Theodore *stiles himself,* Archbishop of the Island of *Britain.*

A. D. DCLXXIII.

Lat. & Sax. Bed. Hist. l. 4. c. 5. Sir H. S. Vol. 1. p. 15.

Theodore assembled a Council of Bishops, and of many [a] Masters of the Church, who loved and knew the Canonical Statutes of the Fathers. When they were met together, he began with such a Temper of Mind as became a Pontiff, to direct them diligently to the Observance of such Things as concerned the Unity of the Church. A Copy of the Act of this Synod here follows.

[a] Probably Abbots, Priors, and Rectors of lesser Churches, that were skill'd in the Canons.

In the Name of our Lord God, and Saviour Jesus Christ, in the perpetual Reign and Government of our said Lord, It seemed good that we shou'd come together according to the Prescription of the venerable Canons, to treat of the necessary Affairs of the Church; we are met together on this 24th Day of *September*, the first Indiction, in a Place call'd *Heortford.* I *Theodore*, Bishop of the Church of *Canterbury*, destin'd thereunto (unworthy as I am) by the Apostolical See, and our most Reverend Brother *Bise*, Bishop of the *East-Angles*, together with our Brother and Fellow-Bishop [b] *Wilfred*, Bishop of the Nation of the *Northumbrians*,

[b] *Theodore* here depresses *Wilfred*, Bishop of *York*, by placing him after *Bise*; some Years after he was thrust out of his Bishoprick, and his Diocese split into two.

brians, who was present by his proper Legates; as also our Brethren and Fellow-Bishops, *Putta*, Bishop of the Castle of the *Kentish*, call'd *Rochester*; *Lutherius* Bishop of the *West-Saxons*, and *Winfred*, Bishop of the Province of the *Mercians*, were present: and when we were assembled, and had taken our proper Places, I said:

I beseech you, most beloved Brethren, for the Fear and Love of our Redeemer, that we may faithfully enter into a common Treaty, for the sincere Observance of whatever has been decreed and determin'd by the Holy and approv'd Fathers. I enlarged upon these, and many other Things tending to Charity, and the Preservation of the Peace of the Church. And when I had finished my Speech, I asked them singly and in order, Whether they consented to observe all Things, which had been of old Canonically decreed by the Fathers? To which all our Fellow-Priests answered, We are all well agreed, readily and chearfully to keep whatever the Canons of the Holy Fathers have prescribed. Whereupon I presently produced the [c] Book of Canons, and pointed out ten Particulars, which I had marked, as being in a more especial Manner known by me to be necessary for us, and proposed that all would undertake diligently to observe them, *viz.*

[c] That is the Volume, of which the Second Part of the *Clergyman's Vade-mecum* consists, excepting the Canons of *Trull*, and the Decrees of *Gregory* the Second; neither of which were yet made.

1. That we all jointly keep [d] *Easter* Day on the Lord's-Day after the Fourteenth Day of the Moon in the first Month.

[d] This Canon was aim'd at the *Welsh* and *Irish*, who still kept their *Easter* by another Rule, than that which *Augustin* brought from *Rome*. It is not certain what their

their Rule was, or how they came by it. *Constantine*, in his Letter *to the Churches* (*Euseb. de vit. Const. l.* 2.) declares that the *Britons*, as well as other Nations, observed *Easter* as the Council of *Nice* had directed. Whether the *Romans* or the *Britons* had departed from the Measures there fix'd, will very well bear a Dispute. The Invasions of the *Northern* People in the fifth Century, cut off the Communication which ther had formerly been between *Rome* and the *British* Churches: And the Revolutions made by the *Saracens* in *Egypt*, in the next Century, did for a long while eclipse the Patriarchs, and for a while interrupt the Succession of them at *Alexandria*, from whence *Easter*-Day used to be notified to *Rome*, and from thence to all the *Western* Churches. During these Commotions, the Church of *Rome* had the *Cycles* for finding *Easter* new-modell'd by *Victorius*, and *Dionysius Exiguus*; and 'tis probable they made some Alterations, to which the *Britons* were Strangers, and therefore opposed *Augustin*, when he attempted to introduce them. It must be owned, that the *Britons* had not sufficient Knowledge to state their Case to the best Advantage; and that their Adversaries have left sufficient Proof, that they depended more on the Authority of St. *Peter*, and his pretended Successor, than on their own Reasons and Arguments. The *Northumbrians*, tho' converted by *Romanists*, had taken up the *British* Mode of keeping *Easter*, from three Bishops, whom they had from the Monastery in the Isle of *Hy*, (now *Colmkill*) an *Irish* Academy. *Oswi* King of *Northumberland* had a Conference held before him on this Subject, in the Year 664, at *Streons-heal* (now *Whitby*) in *Yorkshire*, in a Nunnery erected by *Hilda* the present Abbess: Ther were two *Irish* Bishops there; *Colman* was the principal Advocate for the *British Easter*; ther was a third Bishop, *viz. Agilbert* of *West-Saxony*, but *Wilfred* the Abbot was the chief Speaker on that Side: *Oswi*, tho' he had formerly kept the *Irish* or *British Easter*, gave in to the Pleadings of *Wilfred*, because he was told that *Peter* was the first Author of the *Roman Easter*, and that he was Key-keeper of Heaven, from which *Oswi* desired not to be excluded. This was a Colloquy, not a Council, either Civil or Ecclesiastical; the two *Irish* or *Scotch* Bishops went away unconvinced; the King pronounced Sentence for himself only, and his Family;

for

for before this he had kept his *Easter* sometimes, while his Queen, who was a *Kentish* Lady, was in her *Palm-Sunday*; and he pass'd Sentence, not in Consideration of the Merits of the Cause, but in Honour to St. *Peter*. The Resolution of the King was neither a Law, nor a Canon, therfore it could not properly be inserted in the Text. *Theodore* not only made this Canon in Behalf of the *Roman Easter*, but used great Industry for the observing it throughout this Island; yet the *Welsh* continued their old Practice till about the Year 800, and then *Elbodeus*, a Bishop of their own brought them into it. The ancient Canon, to which *Theodore* here refers, must have been *Antioch.* 1.

2. [e] That no Bishop invade the Parish of another, but be content with the Government of the People committed to him.

[e] See *Can. Apost.* 14. *Nic.* 15. *Ant.* 21. *Sard.* 1.

3. [f] That no Bishop be allowed to give any Molestation to Monasteries consecrated to God, nor to take away by Violence any thing that belongs to them.

[f] See *Can. Calc.* 24.

4. [g] That the Monks themselves go not from Place

[g] See *Can. Calc* 4. 23. *N. B.* Some MS. Copies, and I think all the printed Copies, have here *Episcopi Monachi*; but *Petit* says, that three Copies have *Ipsi Monachi*: The first Mistake, probably, came from reading *Ipsi*, as if it had been *Epi*, the Abbreviation of *Episcopi*. See *Petit Theodor. Pœnit pag.* 43. See also the 66th of *Ecgbert's Excerpt.* Yet ther have been Bishop-Monks, the *Scotch*, and some *English* Bishops, frequently lived in Monasteries, for want of an Habitation of their own. *Bede*, in his Letter to *Ecgbert*, complains, that Kings and Great Men were profuse in their Endowments of Monasteries, but that Bishops wanted Houses: And many Bishops, tired with the Fatigues of Government, have retired into Monasteries, and the Entrance into the Monastick Life, was call'd *Conversion*; but it was often a Conversion from better to worse.

Place to Place, that is, from one Monastery to another, without the Abbot's Leave, but continue in that Obedience, which they promised at the Time of their Conversion.

5. [a] That no Clerk, leaving his own Bishop, go up and down, at his own Pleasure, nor be received where-ever he comes, without the commendatory Letters of his Bishop: But if he be once received, and refuse to return, when he is desired so to do, both the Receiver and the Received, shall be laid under an Excommunication.

[h] See *Can. Ap.* $\frac{35}{34}$ *Laod.* 41, 42. *Art.* 7. *Calc.* 23. *Sard.* 16. *Leo.* 39. *Afr.* 105.

6. [i] That strange Bishops and Clerks be content with the Hospitality that is freely offered them, and let not any of them exercise any Priestly Function, without Permission of the Bishop, in whose Parish he is known to be.

[i] See *Can. Ap.* $\frac{36}{34}$. *Sard.* 11, *&c.*

7. [k] That a Synod be assembled twice in the Year. But because many Occasions may hinder this, it was jointly agreed by all, that once in the Year it be assembled, *viz.* on the Kalends of *August*, at the Place called [l] *Cloves-hoo.*

[k] See *Can. Ap.* $\frac{30}{34}$. *Nic.* 5. *Ant.* 20. *Calc.* 19. *Afr.* 18, 95.

[l] *Cloves-hoo* is supposed to be *Abbyndon* in *Berks*, of old written *Sheafs-ham*, perhaps for *Cleofs-ham*. See *Ind. Nom. Loc.* at the end of *Chron. Sax.*

8. [m] That no Bishop put himself before another, out of an Affectation of Precedence, but that every one observe the Time and Order of his Consecration.

[m] See *Can. Afr.* 86.

9. We

9. [a] We had a Conference together, concerning increasing the Number of Bishops, in proportion to the Number of the Faithful. [b] But we determine nothing as to this Point, at present.

[a] That Synods did of old create new Parishes, (that is Dioceses) may be seen, *Can. Afr.* 53, 56, 98. The sixth Canon of *Sardica* seems to leave it to the Primate, and his Comprovincial Bishops, to erect Parishes, and ordain Bishops in them: For they could not be thought to lay Obligations on any, but them and the People, when they forbid Bishopricks to be constituted in small Cities. It is certain, ther was at this Time great Occasion for more Bishops in this Nation; when, so far as appears, ther were but as many Bishops as ther were Kingdoms, save that *Kent* had always two; and so had the *East-Angles*, when *Bise* grew infirm, and after his Death; as likewise the *Northumbrians*, upon the Expulsion of *Wilfrid.*

[b] The following Sentence is not in the *Saxonic.* And some say, in this Council the Bishoprick of the *Mercians*, that is, *Lichfield*, was divided into five, *viz. Lichfield*, *Lege-Chester*, (that is, *West-Chester*, I suppose, not *Leicester*) *Hereford*, *Worcester*, and *Lindsey:* Others suppose *Hereford* to have been founded sometime before, and that the Division of the *Mercian* See, was into *Lichfield*, *Worcester*, *Chester*, *Sidna-Chester*, and *Dorchester.* It is agreed, that some such Division was now made, or soon after: And that *Winfride*, who was consecrated Bishop of *Lichfield*, by *Theodore*, was also deprived by him, for opposing this Attempt. But our History here is very dark: And the Succession of the first Bishops of *Rome* is not more involved than is those of *Lichfield.*

10. As to Matrimony, That none be allow'd to any, but what is lawful. [c] Let none commit Incest. [d] Let no one relinquish his own Wife, but for

[c] See *Can. Neoc.* 2. *Bas.* 67, 68, 75, 79.

[d] See *Can. Ap.* $\frac{1}{47}$. *Basil.* 77. Yet by *Theodore's Penitential*, publish'd by *Petit*, the innocent Party is permitted to marry again: And he that has been married but

but once, is allowed the same Liberty; and so is the Man, after two Years. Nay, if the Husband forfeits his Liberty, for any Crime, the Wife being a Free-Woman, is allowed to take another Man. A Man may dare say, that That *Penitential* was a Work of some Great Man in this Age, if it were not *Theodore's*. Perhaps there he speaks of what may be done without direct or here of what best becomes a Christian; which may be implied in these Words, *Si recte Christianus esse voluerit:* Which I turn, *If he will be a right good Christian*

for Fornication, as the Gospel teaches. But if any Man divorce a Wife, to whom he has been lawfully married, let him not be coupled to another, but remain as he is, or be reconciled to his Wife, if he will be a right good Christian.

After we had jointly treated upon, and determin'd these Points, to the Intent that no scandalous Contention shou'd be rais'd henceforth by any of us, [e] or that ther shou'd be no Mistake in the Publication of them, it seem'd proper that every one of us should confirm them by the Subscription of his own Hand, according as they had been determin'd. I dictated this difinitive Sentence of ours, to be written by *Titillus* the Notary. Done in the Month and Indiction above written.

[e] Lat. *aut alia pro aliis divulgarentur.* Sir H. has *præ* for *pro.*

Whosoever, therfore, shall attempt to oppose and infringe this Sentence, confirmed by our Consent, and the Subscription of our Hands, as agreeable to the Decrees of the Canons, let him know that he is forbid every Function of a Priest, and all Society with us. May the Divine Grace preserve you safe in the Unity of his Church, so long as you live.

This Synod was holden in the Year 673, from the Incarnation of our Lord, in which Year *Egbert*, King of the *Kentish*, dying, in the Month of *July*, was succeeded by his Brother *Lothere.*

A. I

A. D. DCLXXIX.

PREFACE to the *Roman* Synod concerning *British* Affairs.

IT is evident, not only from the ninth Canon of the foregoing Council, but from the whole Tenor of Theodore's *Administration, that one main Point which he aimed at was, the increasing the number of* English *Bishopricks. Pope* Gregory's *Model was, to have two Archbishops, one at* London, *(after* Augustin's *decease) the other at* York, *with twelve Suffragans to each. And no judicious Christian can think this an excessive Number. But* Gregory *design'd this Scheme on express Condition that* Augustin *shou'd send a Bishop to* York, *and that the City and Countries thereunto belonging receiv'd the Word of God.* Paulinus *was ordained Bishop of the* Northumbrians *by* Justus, Augustin's *third Successor, in* 625, *and had his See at* York, *and receiv'd the Pall from* Rome, *tho' he never had one Suffragan Bishop under him. For tho', during King* Edwin's *Reign Christianity gained ground, yet a Stop was put to the progress of it by his Death, in* 633, *thro' the Apostacy of his Successors: whereupon* Paulinus *deserted his See and retired to* Rochester, *and lived and died Bishop of that See. Yet within two Years after, thro' the Encouragement of Pious King* Oswald, *Religion began again to lift up its Head and recover Strength.* Aidan, Finan, *and* Colman *imploy'd their Study and Labours successively, for near thirty Years one after the other, for the Conversion of the* Northumbrians, *and had each of them the whole Kingdom for their Diocese; their See was not* York, *but* Lindisfarne, *a small Island, or rather a great*

Rock, near the Shore of Northumberland. *They were all three of the* British, *or* Irish *Communion, and therfore received no Pall from* Rome, *and wou'd scarce have accepted it, if it had been sent them.* Chad, *who succeeded* Colman (*after the short Presidency of* Tuda) *carried on the good Work of settling Christianity in this Kingdom, for three or four Years, and his See was* York. *But* Theodore *removed* Chad, *because but one of those who consecrated him was of the* Romish *Communion. Yet to finish the Conversion of the* Northumbrians *he put* Wilfrid *into the See of* York, *who was entirely a* Romanist, *tho'* English *born, and a Man of most perswasive Oratory; and he was design'd Bishop of* York *before* Chad; *but staying too long in* France, *whither he went for Consecration,* Chad *was advanced to That See before his return.*

Now, if ever, it was time to divide this Immense Diocese, when Wilfrid *had spent ten Years in settling Christianity there: therfore in the Year* 678, Theodore *calls a Synod and divided it into Two.* Wilfrid *for opposing this Partition was deposed, if not degraded; and King* Ecgfrid *thrusts him out of his See. Hereupon* Theodore *consecrates* Bosa *to the See of* York, Eata *to that of* Lindiffarne. (*Some say, I know not on what grounds, that* Eata *was consecrated so* Hexham, Lindiffarne *reserved for* Wilfrid, *if he wou'd accept it.*) Ecgfrid *had lately won* Lindsey, *if not the whole (present) County of* Lincoln, *from the* Mercians. *This new Conquest was erected into a Diocese, and* Eadhed *was consecrated Bishop of it at the same time that* Bosa *and* Eata *were consecrated to the two* Northumbrian *Dioceses. It seems* Wilfrid *thinking his former Diocese too narrow, claim'd* Lyndsey *as an Appurtenance accruing to it by the Right of Conquest. And therfore he made Complaint against* Theodore, *as having obtruded three Bishops upon the See, of which he was the only just Possessor. He could procure no redress at home, for the King and Court of*

Nor-

orthumbria *had a perfect aversion to him. Both* heodore *and* Wilfrid *took care to have their Cases* ted *to the best advantage, and laid before the Pope,* o *had great Influence here in these Ages. But* Wil- d *being more distrustful of his Cause than the other,* d *knowing that every Man of sense is the best Solici-* in *his own Business, imbarks for* Rome, *but was* ried, *by contrary Winds, to* Tresia, *and spent the* inter *there in preaching to that barbarous People.* did *not leave his new Converts very early next* ing, *and had a difficult and long Journey from thence* Rome; *and therfore did not arrive there till it was* e *in the next Year,* viz. 679.

In the mean time, probably before Wilfrid's *arrival,* e Agatho, *upon Information of these Stirs in* Eng- d, *calls a Synod, or rather an extraordinary Con-* ory; *so I call it, because the greatest part of them* o *sate in it, were probably no other than the Incum-* ts *of the more considerable Titles, or Parish-Churches* the *City of* Rome. *For these were the Pope's stand-* Counsellors *in this Age, and were called Cardinal-* iests, *or Deacons. Those now called Cardinals were* t *established in the Tenth, or Eleventh Century.* e *seventeen Bishops who were added to these Priests,* de *it an* Extraordinary *Consistory. It is not cer-* n, *whether these Bishops were colled to* Rome *on this* rticular *Occasion; or had been summoned thither be-* e, *to assist at the Great Council, which was to be* d *there, against the* Monothelites. *They were all,* hink, *of the Suburbicary Provinces, and were ther-* e *to attend upon all extraordinary Occasions at* Rome; t *yet they might first be drawn thither at this time* on *the greater Occasion of condemning the* Mono- elites. *And because other Bishops were not arrived* sufficient *Numbers to open the Great Council, the* ope *might, in the mean time, imploy them in examin-* g *and determining the* British *Cause.*

A. D. DCLXXIX.

The Roman *Council about* British *Affairs.*

Lat. Sir H. S. Vol. 1. p. 158.

IN the Name of the Lord our Saviour *Jesus Christ*, in the Reign of our most Pious Lords, the August *Constantine the Great*, the [a] twenty sixth Year of his Empire, the tenth after his Consulship, the twenty second of the New *Augusti*, *Heraclius* and *Tiberius* his Brethren, the seventh Indiction, the Month of *October*. *Agatho*, the most Holy and Blessed Apostolical, [b] Universal Pope of the Holy Catholic Church of God in the City of *Rome* presiding, the Sacred Gospels being placed in open view, in the [c] Royal Palace of our Saviour the Lord *Jesus Christ*, called *Constantiniana*, together with the Glorious and most Holy Bishops, who were Co-assessors and Cognusors with him, [d] *Cre-*

[a] *Constantine Pogonatus* had reigned fourteen Years together with his Father *Constans*, and eleven Years since his Death, and so was now entred into the 26th Year of his Reign.

[b] Within ten Years after the Death of Pope *Gregory the Great*, who declared his Brother *John* of *Constantinople* to have been guilty of Anti-Christianism, in taking on himself the Title of *Universal Bishop*, his Successor *Boniface* accepted the Primacy of all Churches, which implies the Title of *Universal Bishop*, from the Usurper *Phocas*. And *Boniface* dearly earn'd this Title from him, by countenancing him in the murder of his Lord and Master *Mauricius*, and usurping of his Throne.

[c] *Lat. Basilica* the Temple.

[d] *Crescens* of *Vibo-Valentia*, in *Calabria*, [e] *Andrew* of *Ostia*, [f] *Juvenal* of *Albanum*, [g] *Maurice* of *Tibur*, [h] *John* of *Faleronia*, [i] *Benedict* of *Messana*, [k] *Theodosius* of *Syracuse*, [l] *Deusdedit* of *Narnia*, [m] *Paul* of *Namen-*

[d] Never any Synod, or Consistory, met with a more ignorant Transcriber of its Acts, than he was who wrote the Copy published by Sir *H. S.* My Reader will easily see that it had been impossible for me to have spell'd out the Names, and especially the Sees of these Bishops, if I had not found them in the Subscriptions of the 125 Bishops, who sate the next Year in a Great Council at *Rome*, which are extant in the fourth Action of the Synod of *Constantinople* in *Trulla*. For instance, the Name of the first Bishop in these Acts, as publish'd by Sir *H. S*, is thus exprest in his Edition, *viz. Crescente Ecclesiæ Vinonensis, Phoberio.* But in the Subscriptions to the Great Council, in the 38th Place, we have this same Bishop thus subscribing, *viz.* Κρέσκης ——— Βιβωνὸς ἐπαρχίας καλαβρίας. The *Latin* (tho' it was the Original) is here too corrupted, *viz. Orestes---Vibonis*, &c.

[e] *Andrew* of *Ostia* subscribes in the next place, after the Pope in the Great Council: and the Bishop of That See being near to *Rome*, was always esteem'd the Pope's Prime Counsellor; however, *Crescens* had the upper-hand of him here, I am apt to think, it was rhro' the Error of this blundering Copier. *See Art. 2. of the Council itself.*

[f] *Juvenal* of *Albanum* subscribes in the 23d place, to the Great Council.

[g] *Mauricius* of *Tibur* subscribes that Council in the 49th place.

[h] In Sir *H. S*'s Copy, *Johannes Falaritano.* In the Subscriptions to the Great Council, it is in the 109th place, and written *Johannes Ecclesiæ Salernitanæ*; as if he had been Bishop of *Salernum*. But *Binnius* supposes it ought to be *Falernitanæ*, and the *Greek* is Φαλαρῶς.

[i] *Benedict* of *Messana* subscribes in the 40th place to the Great Council.

[k] *Theodosius* of *Syracuse* in the 39th place.

[l] *Deusdedit* of *Narnia* in the 112th place.

[m] Sir *H. S.*'s Copy has here, *Paulo Cognomento*, without any sense. But the 25th Subscription to the Great Council is, *Paulus----Nomentinæ Ecclesiæ.*

Namentum, [a] *John* of *Porto*, [b] *Deodatus* of *Nepe*, [c] *Vitus* of *Sylva Candida*, [d] *Gaudiosus* of *Signia*, [e] *George* of *Agrigentum*, [f] *Placidius* of *Veletra*, [g] *George* of *Catana*, [h] *Deodatus* of *Tusculum*; and the venerable Priests, *Boniface*, *Peter*, *Juvenal*, *Theodosius*, *George*, *Theodorus*, *Sergius*, *Theodorus*, *Sisinnius*, *Theodorus*, *Augustus*, *Benedict*, *Paul*, *Tribunus*, *Coronus*, *Peter*, *John*, *Sisinnius*, *Epiphanius*, *Sisinnius*, *Decorus*, *Soleuncius*, *Theopictus*, *Martin*, *Sisinnius*, *George*, *Sisinnius*, *John*, *Habitus*, *Probinus*, *John*, *Martin*, *Peter*, *Eutichius*, and *Sergius*, the Deacons beloved of God, and all the Clergy standing by.

[a] In Sir *H. S. Joanne Turtuense*, unintelligible: But the 26th Subscription of the Great Council is *Joannes* ----- *Portuensis Ecclesiæ*.

[b] and [c] These two Subscriptions are confounded in Sir *H. S.* thus, *Theodato Neperi*, *Novita Sylvæ Candida*: The Reading is thus to be restored, *viz.* *Deodato Neperino*, *Vitus Sylvæ Candidæ*, accordingly the 108th Subscription to the Great Council is in *Greek* Δεοδάτου — τῆς Ἐκκλησίας Νεπεσίνης: in the *Latin*, *Theodorus* (a Name of the same Signification.) ---- *Ecclesiæ Nepesinæ*: and in the 24th Subscription *Vitus* ------ *Sylvæ Candidæ*.

[d] *Gaudiosus* of *Signia*, subscribes to the Great Council in the 86th place.

[e] *George* of *Agrigentum* in the 46th place.

[f] The 22d Subscription to the Great Council is *Barbatus*-----*Veliternensis Ecclesiæ*, but in *Greek* Πλακίδιος, &c. This brings it nearer to Sir *H. S.*'s Copy.

[g] The 44th Subscription to the Great Council is *Julianus* ------ *Catanensis*. Here it is *Georgio Catinensi*. I am inclined to think, that the Name of the 15th Bishop was *Placentius*, or *Placidias*, and perhaps these two Names were esteem'd the same, because they were equivalent in Signification. But both the *Greek* and *Latin* give him of *Catana* the Name of *Julianus*: Therfore either there is another Blunder of our Scribe, or else it may be said, that *George* was Bishop of *Catana* in the Year 679, but died before the Council was open'd in the 680, and *Julian* was his Successor.

[h] I can discover no one Bishop of *Tullum* (so it is in Sir

Sir *H. S. Deodato Tullense*) nor of *Tusculum*, as I have ventured to correct it in the Subscriptions before cited. We are not to wonder, that one among seventeen was present at this Consistory, that was not present at the Great Council, Death, Sickness, or a thousand other Accidents might intervene. However, it is more probable that his See was at the Suburbicary *Tusculum*, than at *Toul* in *Luxemburgh*, (for all the rest were *Italians* or *Sicilians*) and he might die or return home before the Great Council.

The Reader will not think I have taken this Pains purely to discover the true Lections of this Council: No, it was my intent, by this means, to prove, that those Acts are genuine. None of the Monkish Forgers could, by chance, or even by their Craft, find fourteen true Names of contemporary Bishops for so many *Italian* Sees in Ages past. These fourteen Bishops Names thus adjusted are fourteen good Arguments for the truth of this Matter of Fact, *viz.* that such a Synod, or Consistory was at this time kept at *Rome*, and that these Bishops sate in it; especially when the Date carries such a just coincidence of the Indiction, and the Year of the Emperor's Reign

1. *Agatho* the most Holy and Blessed Pontiff, *&c.* (*as before*) said to his Co-assessors, I know you cannot be ignorant for what reason I have called you, my Brethren, to this venerable Convention, *viz.* because I desire your Sincerity to examin and treat with me concerning the state of the Church in the Island of *Britain*, where, by the Grace of God, the multitude of Believers are greatly increased, there a Dissention is lately raised; whereas the harmony of the Faith is one only; which [Faith] they received by the Preaching and Instruction of this Apostolical See, it being begun and regulated by our blessed memorable Predecessor St. *Gregory*, and by St. *Augustin* and his Companions.

2. The most Reverend Bishops [a] *Andrew* and *John* answer'd, in the presence of all, saying, It is evi-

[a] Here *Andrew* of *Ostia* speaks next to the Pope. See Note [e] above.

evident to all, that the Churches situate in the Island of *Britain*, do much want [b] Pontificial Succour; especially because of the Dissention there between the most Holy Archbishop *Theodore*, and other Prelates of that same Province, which the Apostolical Authority only is able, with the help of God, to asswage, and to remove the Fuel of Dissention, while it takes away the occasion of Scandal, and prunes off Superfluities, and cures by Spiritual Medicines, such Things as are hurtful to Christian Polity, such Things as are agreed to be don there.

[b] Lat. *Pontificialis Successu.* I read, *Pontificiali Succursu.*

3. [c] *Agatho* the most Holy, &c. (*as before*) said, It appears that you, my Brethren, are agreed, that it is suitable to equity, that Things be brought to an issue: For whatever [Decrees] do still subsist, our Predecessors by unanimous Agreement, have long since provided and ordained; that is, the Blessed *Gregory* the First, Pontiff of This Apostolical See, and the Apostolical Summity of all [d] *Saxony*, and his Successors the Apostolical Pontiffs down even to our Times. And we have before this provided and ordained, that those Statutes which have been long since establish'd by Synodal Decrees, by the Blessed *Peter*, Prince of the Apostles, be immutably and inviolably kept for ever, by all the Prelates of the Churches of Christ, where they are constituted.

[c] Of all Papal Speeches and Acts that I have seen, *Agatho*'s come behind none in flatness, incoherence, and obscurity. Ther is little to be learn'd from him, but that he was much disposed to display and magnify his own supposed Authority. And his Bench of Bishops were of a Piece with him. And probably the Transcriber has don his Share by confounding and transposing what was before dark and harsh.

[d] It is not often that *England* passes under the Name of *Saxony*, as here it does.

It seems probable that some Paragraphs are here wanting: For the following Diffinition, one wou'd think, cou'd not have been made, especially not by two Bishops only, without some previous debate concerning an Addition to be made to the English *Dioceses, beyond what had been yet don by* Theodore.

4. *Crescens*, Bishop of the Church of *Vibo*, and *Juvenal* Bishop of the Holy Church of *Albanum* said, Therfore the whole Synod giving a regular Diffinition, is agreed, as to these Points [e] with the most Holy and Blessed Pontiff *Agatho*. And if the Enemy of Mankind is always endeavouring to sow Tares among the good Seed, [f] care is to be taken of him. Among the Faithful in the Island of *Britain* he has endeavoured to excite Churches, and Prelates of Churches against each other. But the supernal Clemency permits not its Faithful People always to be tempted, but gives advice, that they who consult and are consulted, embrace each the other, [and] both be saved. Therfore all Points being consider'd and debated, both what we know, by the relation of such as come hither, and what could be collected from the divers written Reports that have been sent to the Apostolical See, upon a very solicitous Enquiry we have resolv'd, with common consent, to publish this Diffinitive Sentence: We determine then, and ordain, by the Authority of the blessed *Peter*, Prince of the Apostles, to whom the Creator and Saviour of Mankind, the Lord Jesus Christ the Son of God, gave the Keys of binding and loosing in Heaven and Earth, that every Kingdom constituted in the Island of *Britain* have Bishops

e Dele *quæ*.

f I read, *cavendus est*, not *et cavendis*; and delete *hoc est*.

Bishops of their Provinces so placed, in proportion to their Dominion, that all the Prelates of the Churches, together with the Archbishop, may be Twelve in number. Let the Bishop, who for the time being is honoured with the Pall by this Apostolical See, promote, and canonically Ordain them to the Sacerdotal Honour; and let them be subject to his Ordering only: with this express Condition, that none of the Bishops presume to meddle with the Rights of another Prelate; but that every one preserve his own Rights untouch'd, and study to instruct and convert the People.

Whatever Division was made in, or soon after the Council of *Herudford*, it is certain, that Bishops were not yet put into those new Dioceses in the Kingdom of *Mercia*, nor till many Years after this. It is certain, that *Sexulf* of *Lichfield* was the sole Bishop in *Mercia* at this time; unless you will reckon *Lindsey* to be in *Mercia*, tho' conquered by the King of *Northumberland*, and there indeed *Eadhed* was Bishop. When the second Article of this Council mentions a dissention between *Theodore* and *other Prelates*; the words strictly taken do imply, that some other Bishops, or one at least beside *Wilfrid*, resented *Theodore*'s Proceedings. And 'tis not improbable, that *Sexulf*, tho' promoted by *Theodore*, as well as *Wilfrid*, was displeas'd at *Eadhed*'s being put into a Diocese dismembred from his; especially, because he knew that *Theodore* meditated still a Subdivision of this great *Mercian* Diocese. It is certain that *Hedde* of *Winchester* could not dislike *Theodore*'s Management, because his See was privileg'd from any Partition during his Life, on account of his Merit in translating the Body of *Binnus* from *Dorchester* to *Winchester*, together with his See, by Papal Authority. *Rudburn* in his *Historia major*, *Wint.* (*L.* 2. *c.* 23.) cites the second Decree of *Theodore* to this purpose. If we had the rest of those Decrees, they wou'd give us great light into this Matter. If we compute the number of the *English* Bishops at present, they were as follows, one at *Canterbury*, a second at *Rochester*, a third at *London*, a fourth at *Winchester*, a fifth and sixth at *Elmham*,

Elmham, and *Dunmoc*, a seventh at *Lichfield*, an eighth and ninth at *York* and *Lindiffarne*. If *Eadhed* was removed from *Lindsey* by this time (as we are sure he was, when the King of *Mercia* recover'd that Country from the *Northumbrians*, which was now, or soon after) yet he presided at *Rippon*, tho' whether as Bishop or Abbot is not so certain. However, *Hereford* was erected into a Bishoprick about this time: so that we may depend upon the number Ten: therfore but two more were necessary to make up the Complement here prescribed by the Pope and Consistory. Accordingly *Theodore*, three Years after the Deposition of *Wilfrid*, consecrated *Trumberht* to *Hexham* and *Trumwin* for the Diocese of the *Picts*, the See whereof was afterwards fix'd at *Wittrin*, *Bede*, *L.4. c.* 12. It ought particularly to be observed, that this Article is wholly in favour of *Theodore's* Proceedings. It is so far from condemning him for increasing the number of Dioceses, that it injoins more Bishops still to be created; and instead of blaming him for filling the Sees by his own Authority, it declares the Power of filling Sees, when vacant, to be in him. And it ought to be remarked, that the Kings of *Mercia* were the principal Adversaries and Obstructors to *Theodore*, and his designs of increasing the number of Bishops. When *Theodore* deposed *Winfrid* for not submitting to a Partition of his Diocese, and put *Sexulf* in his stead, the Diocese was still kept undivided: This must have been thro' King *Ethelred's* Opposition: And again, the same King put *Wilfrid* into a Diocese in *Mercia*, when he was ejected from *York*. For tho' this King was against the Division of the *Mercian* Diocese when proposed by *Theodore*, yet he did it of his own accord, when he thought it would be disobliging to the Archbishop of *Canterbury Brihtwald*, *Theodore's* Successor. For it was the Metropolitical Power of the See of *Canterbury*, that these *Mercian* Kings could not relish: Therfore when *Wilfrid* was deposed from his *Mercian* See, *Ethelred* and his Successor *Kenred* wou'd permit no Bishop to supply his place. But *Hedda* was sole Bishop of the *Mercian* See and Kingdom, as *Sexulf* had been before.

5. We

5. We also ordain and decree, That Bishops, and all whosoever professes the Religious Life of the Ecclesiastical Order, do not use Weapons, nor keep Musicians of the Female Sex, nor any [h] Musical Consorts whatsoever, nor do allow of any Buffoonries, or Plays, in their presence. For the Discipline of the Holy Church permits not her faithful Priests to use any of these Things, but charges them to be employ'd in Divine Offices, in making Provisions for the Poor, and for the Benefit of the Church: especially let Lessons out of the Divine Oracles be always read, for the edification of the Churches, that the Minds of the Hearers may be fed with the Divine Word, even at the very time of their Bodily Repast.

[h] Lat. *Symphonia*, but Syntax requires an Accusative Case. I wou'd read, *Symphoniaca*, or *Symphoniacas*, *Women to perform their Parts in a Consort.*

6. *Agatho* the most Holy, *&c.* (*as before*) said, If it might be thought provident and seasonable, by [i] your Brotherly Charity, it must also be decreed much for the Souls Health of the People there, that Inquiry be made concerning the [observance of the] Ecclesiastical Statutes, and the [k] situation of the Bishops, and their approbation of the Catholic Faith, in what manner, and how orthodoxly it is kept, and held by all, in the Provinces of *Saxony*.

[i] *Vestræ*, not *Vestri*.

[k] Lat. *De serie Episcoporum*. *Series* often redounds in ancient Writings, but here it may signify the distance of the Bishops and Sees, from each other. *See Art.* 4.

7. *Andrew* and *John*, the most Reverend Bishops of the Churches of *Ostia* and *Porta*, said, It is certain, by what is injoined your Holiness, as by the Sen-

Sentence of the Apostles. [l] [Therfore] let this Decretal Order be directed from hence thither, in a Letter, by a prudent, proper, well-learned Man, to *Theodore* the most Reverend and Holy Archbishop of the *Kentish* Men, who belongs to the Holy Church of God our Saviour (in which He that redeemed the Church with his own Blood, our Lord Jesus Christ, founded the [m] Sacerdotal Primacy in those Parts, in building and settling it by the Authority of the blessed *Peter*, Prince of the Apostles, and by your Predecessor *Gregory* of blessed Memory, and by St. *Augustin* his [a] Syncellite) that the said *Theodore* may, by your Sacred Authority, and by consent of our Synod, assemble a General Council, and cause a publick, [b] universal Synod of all Prelates, Kings, Princes, and all the Faithful Seniors and Elders of all *Saxony*: and do you charge them by Authority of your Apostleship, with a diligent Scrutiny, to make Inquiry before all, and that they do all observe, not only [c] these Orders aforesaid, but whatever else your Holiness injoins by your Messengers, or by your Letters. For what is managed

[l] A full Stop at *Censura*.

[m] Lat. *Sacerdotii Principatum*. If ther be any thing clear in the Acts of this Council, it is this, That *Gregory*, by St. *Augustin*, settled an Archbishoprick at *Canterbury*. And this is said at *Rome*, by those who kept the Registries of all the Proceedings of former Popes, or had them within their reach to consult upon all Occasions. It was said, within less than 80 Years after this Settlement must have been made, by Pope *Gregory*'s first Provision (*Bede*, *L.* 1. *c.* 29.) *Canterbury* was to have the Primacy during *Augustin*'s Life only. The perpetual Settlement of the Primacy at *Canterbury* was therfore made in the declining part of *Augustin*'s Life, probably the Year before he died, *viz.* 603, at the sooneſt.

[a] Deputy, or Surrogate. See Sir *H. S. Gloss. Sincelius.*

[b] *Œcumenicam.*

Read *has prædictas.*

naged by the consent of many can give no Offence to them who have consented to it. This Proposal pleased the whole Synod, together with the most Holy and Blessed Apostolical Pontiff *Agatho*. And they all began unanimously to inquire after, and by the guidance of Christ they found the Man, the venerable *John*, Precentor of the Church of St. *Peter* the Apostle, and Abbot of the Monastry of the Blessed *Martin*, who was sent at the command of *Agatho*, from *Rome* to *Britain*.

8. We ordain and decree, by [d] this Provident, and notable Instruction of the Canons to bring Profit, as to the Stewards of the Church, so also to the People committed to them, whom the Divine Clemency hath brought to the knowledge of its self. And we judge it to be for their Soul's Health, that by the great numbers of neighbouring Bishops, who take care to bring [each] his own Parish to the study of perfect Religion, the Pimps of Heretical Pravity may find no room to deceive the Simple, and to disseminate their Schisms aud Errors; forasmuch as they are daily cut down and made to fall by the Scythe of Pious Doctrin; and all things are wholsomly deliberated and order'd [e] (so as strongly to prevail) by the Counsel of many Bishops assembling with the Archbishop. For where *many Counsellors are, there is safety*: And so, where two or three are assembled in the Name of the Lord, there is *He in the midst of them*; much more where many are unanimously gather'd together to confess his Name, and to glory in his Praise.

[d] *Hac*, not *hæc*. This is one of the vainest Decrees that ever pass'd in a *Roman* Synod. To ordain that the Canonical Means used by them shall destroy Schisms and Heresies, is just as wise as if a Commission of Sewers should, in sober sadness, resolve and decree, that the Walls and Banks raised by their direction, shall shut out the Sea and keep it at a distance from the *Terra firma*.

[e] Here add *ut*. After *convenientium* dele *cum*.

9. More-

9. Moreover, *Agatho*, the most Holy, *&c.* (*as before*) delivered also to the aforesaid Religious Abbot *John* the Synod of the Blessed Pope *Martin*, subscribed by one hundred and five Bishops, not long before, at [f] *Rome*, that, when he went into *Britain*, he might carry it with him to the Archbishop *Theodore*, not only as a Testimony and Confirmation of his Legateship; but also that *Theodore* the Archbishop might [g] recommend That, whatever it were, which he, with the wise, faithful, and religious Men in the Provinces of the *English*, could find conducive to the Profit of the Churches of Christ, and of all the People of God that dwell there; or to the Religion of Christ, to be corroborated and transcribed by the Authority aforesaid.

[f] *Romæ*, not *Remis*. The Council at *Rome* under Pope *Martin* in the Year 648, or rather 9, is clearly the Council here meant. It contains four Pages in Sir *H. S.* beginning at page 171.

[g] I read, *recommendaret*, not ——*daverat*.

It may seem strange that Pope Agatho *shou'd not charge his Legate*, John, *to let* Theodore *know, that he accepted of his excuse for not attending the approaching Synod at* Rome, *which the Popish Writers say was his Age and Infirmities, tho' he lived Ten Years after this, almost Eleven: nay, which is more strange, ther is no hint given, that he did ever at all expect him. If he ever had any hopes of seeing him at* Rome, *he had certainly now given it over; else he wou'd have desired him to hasten his Journey, at least, so soon as the* English *Synod had concluded their Business. In this Pope's Synodical Letter, written to the Emperor, as before has been said, an excuse is made for the tardiness he had been guilty of in sending this Synodical Letter no sooner*, viz. *because he had long expected* Theodore *Archbishop of* Canterbury, *to join wioh him in the Synod which he assembled at* Rome: *and this Letter*

was

was written the Year after that John *was sent to* England. *The Synod of* 125 *Bishops held at* Rome *was assembled on purpose to collect the Sentiments of the Western Churches in relation to the Heresy of the* Monothelites: *And in* Agatho's *Letter, now mention'd, the Belief of the Western Bishops is reported to the Emperor by the Pope, and subscribed not only by* Agatho, *but the* 125 *Bishops, of which* Wilfrid *is one.* Our English *Writers commonly say, that Pope* Agatho, *in That Letter declares, that he hoped to have* Theodore's *Company to the Council held that Year* (viz. 680.) *in* Trullo *at* Constantinople; *but I do not find that the Pope in his Letter gives the least intimation of his own design to go to* Constantinople, *much less of bringing* Theodore *thither with him: nor are the Words cited by our Writers the same with those used in the Letter itself. The Council at which* Theodore *was expected, was That held at* Rome; *and of his being invited thither ther is not one Word mention'd in the Instructions here order'd to be given to* John *the Precentor. The Truth I take to be this,* Agatho *supposed that* Theodore *wou'd take a Journey to* Rome *in order to vindicate his own Proceedings against* Wilfrid; *and if he had come, intended to have given him a Place in the Great Synod; but* Theodore *not distrusting the Justice of his Cause, saw no occasion to take so long a Voyage to answer* Wilfrid's *Cavils; and then he was sure of the King and Court of* Northumberland. *The Pope might delay his Synod upon an apprehension that* Theodore *wou'd come to* Rome; *but when either by Letters from him, or by some other means, he understood that he was not like to see him at* Rome, *he sends his Legate to know the Sentiment of him and the whole College of* English *Bishops; and in a few Months after celebrates his* Roman *Synod. And in obedience to the Pope's Command a Synod was called here, at* Hatfield, *by the Archbishop, in* September 680, *at which all the* English *Bishops are said to have been present, tho' their*

Names

Names are not particularly express'd; and they declare their adherence to the five first General Councils, and to That held by Pope Martin, *and* 105 *Bishops at* Rome, *in the Year* 648, *or* 9: *a Copy of which Council Pope* Agatho *sent by* John: *and ther can be no doubt but* Agatho *wou'd have sent a Copy of his own Council too, if That had been held before* John *was dispatch'd toward* England, NB. *This was* John *the Precentor who taught the* Roman Use *in the* North. *See the* General Preface.

A. D. DCLXXX.

PREFACE to the Council at *Rome* in favour of *Wilfrid.*

Notwithstanding what had been don at Rome *the former Year,* Wilfrid's *Personal Appearance wrought a great Alteration in the Opinions of the Pope and the Court Bishops.* Wilfrid *had formerly been a Student at* Rome: *Archdeacon* Boniface *taught him the four Gospels and the Ecclesiastical* Computus, *and such Things, says* Bede, *which he could not be taught in* England, *tho'* Bede *himself learn'd them in* England *not long after, and learned much more, probably, than* Wilfrid *ever did, and to such perfection, that the Pope earnestly desired his assistance in deciding some knotty Points: Therfore I know not what it was* Wilfrid *learn'd at* Rome, *which he might not as well have learn'd here, unless it were the Art of soliciting his Cause, and securing his own Interest there. And he was an able Man this way. For as his Diocese was enormously large, so* Bede, *who liv'd and flourish'd at*

this time, tells us, that every one, in the most remote Parts of the Diocese, paid a certain yearly Sum to the Bishop, tho' he never came near them. This he says in his Letter to Ecgbriht *publish'd by Sir* James Ware. *It was* Wilfrid's *Wealth and splendid way of living that first provok'd the Envy of the* Northumbrian *Court against him. Whatever Arguments they were that he made use of, they were so strong, that the Pope and his Courtiers could not wholly resist them; and tho' they could not for shame wholly acquit him, yet they shew'd their good Inclinations toward him, by mitigating the Sentence, so far as it was in their Power to do it. They were indeed bound in gratitude to countenance him so far as possible; for he had been very serviceable to the* Roman *Interest, by labouring to introduce all the Modes of That Church, and particularly in relation to the keeping of* Easter; *as appears especially by the Conference at* Streons-heal; *and this was a Point which the Pope and his Friends had much at Heart in those Times.*

There is one thing in the Dispute between Theodore *and* Wilfrid, *which well deserves our Reflection; I mean, that there is no hint given us that the latter did ever allege the Right of his See to a Metropolitical Power. This was what* Gregory *settled upon the See of* York, *and what the first Possessor of that See,* Paulinus *actually injoyed: and by this Settlement* Wilfrid *had been, in all respects, upon the level with* Theodore, *excepting barely the Point of Precedence: And upon this Scheme* Theodore *could no more have deposed* Wilfrid, *than* Wilfrid Theodore. *Nor can there be any other Reason assign'd, as I conceive, why* Wilfrid *did not insist upon the Privilege of his See, and sue to* Rome *for his Pall, but this, that he knew that* Gregory's *Settlement of the Primacy at* York *had been cancell'd, and that the Primacy of all* Britain *was in* Theodore. *That there should be but Twelve Bishops in* England, *instead of Twenty six designed by* Gregory, *seems*

wholly

wholly to be the Project of Agatho *the present Pope, and the Synod next above. But that the See of the Southern Archbishop shou'd be at* Canterbury, *not at* London; *and that his Primacy shou'd extend over all* Britain, *contrary, in both respects, to* Gregory's *Plan, ought to be imputed to some more ancient Provision made by the Pope. And that the Southern Primacy shou'd continue at* Canterbury *must have been resolv'd upon or before the death of* Augustin; *if it had not,* Laurence *had been Archbishop of* London, *not of* Canterbury. *And it is scarce to be conceived, that this could have been don, according to the Notions of this Age, without the Pope's Concurrence. I know some impute it to the Will and Affection of the Princes and People, who wou'd have the Primacy remain at* Canterbury, *in honour to* Augustin, *their Apostle. But if the Pope had not approv'd and confirm'd their Resolutions,* Laurence *could never have obtain'd the Pall: Yet the Primacy of* Canterbury *was not extended, probably, to all* Britain, *till* Theodore *obtain'd this of* Vitalian. Bede (L. 4. c. 2.) *expresly says, That he was the first Archbishop to whom all the Church of the* English *submitted: Yet, in truth, the Archbishop of* Canterbury *was the only Primate from the Year* 633, *when* Paulinus *retreated from* York *to* Rochester. Aidan, Finan; *and* Colman, *who next succeeded, contented themselves with the See of* Lindisfarne, *and were of the* British, *or* Irish *Communion, and so neither desired the Pall, nor if they had, could they have obtained it.* Tuda *and* Chad *were Men averse to all the Elegancies, I had almost said, Conveniences of Life, much more to the affectation of Grandour and Precedence, as the others likewise were. But* Wilfrid *was not only a perfect* Romanist, *in other respects, but also in his* Fastus, *and therfore wou'd certainly have endeavour'd to get the Pall, and might have claim'd it, according to the Provision made by* Gregory, *and wou'd have don it, if he had not known that other, and con-*

trary Decrees had been passed at Rome. *And Pope* Agatho, *and his Synod, declare that this was don by* Gregory *in the sixth Article of the foregoing Acts: therfore* Wilfrid *himself was content to be a Suffragan to* Theodore *for ten Years, and on all Occasions professes Obedience to him, excepting in the disputed Point of the Partition of his Diocese.*

Sir H. S. *supposes the foregoing and following Synod to have been the same; but I am so far from being of this Opinion, that I look upon them as contradictory to each other: and have here inserted them as a plain Instance of* Romish *Infallibility's opposition to itself. If, as is probable, the Bishops and others that sate in both Assemblies were the same, this self-opposition is still more gross and shameful, and is a clear Proof of* Wilfrid's *dexterity in Management, by which he prevail'd with above fifty Men, in a few Months time, to unsay what they had decreed before: And it can hardly, in the nature of Things, be supposed, that he could effect this without a considerable length of Time. But from what hath been said before, it is evident, that the Bishops who assisted the Pope in his former Consultation concerning the* British *Affairs, were still at* Rome, *attending the Great Council against the* Monothelites, *which was now actually at Work, as appears by the sixth Article of the following Synod, or rather the Appendix, or Postscript to it. And my Reader will not, from my calling it a Synod, in compliance with others, conclude that it was strictly such. If Pope* Agatho *had intended that* Wilfrid *shou'd be heard in a Synod properly so called, he would have proposed the Matter to the* 125 *Bishops now with him, to condemn the* Monothelites. *But so great a number could not so easily be brought into the Pope's and* Wilfrid's *Measures. It was, as the former, strictly speaking, only an extraordinary Consistory. As the principal Speakers were the same in both Assemblies, so ther is room to suppose, that the rest were so too, or however, that they were such*

as

as belong'd to the Suburbicary Sees, of whom the Pope had plenty now with him; the Great Synod having before this actually begun their Sessions; therfore we must suppose, that the Pope held this Consistory upon a non-Synodical Day,

A. D. DCLXXX.

The Synod at Rome *concerning* WILFRID.

THE most Holy Pope *Agatho* assembled a [a] Council of fifty Bishops and Abbots in the Royal Palace of our Saviour, call'd *Constantiniana*, the manner whereof here follows: *Lat. Sir H. S. Vol. I. p. 160.*

1. *Agatho*, the most Holy and Blessed Bishop of the Catholick and Apostolical City of *Rome*, said to his Co-assessors, I believe you cannot be ignorant for what reason I have called you, my Brethren, to meet in this venerable Convention. I desire your Reverences to take cognusance of, and treat with me of the Dissentions lately raised in the Church of the Island of *Britain* (where, by the Grace of God, Believers are grown into a great Multitude) which is related to us by such as come hither, and by written Letters. *Andrew* and *John*, the most Reverend Bishops of *Ostia* and *Porto* said, The ordering of all Churches depends on your

[a] The Historian supposed the Priests specified in the Acts of the former Consistory to have been Abbots; but, as I there observed, they were probably no other than the Cardinal Priests or Incumbents of the City Churches, who were the Pope's standing Counsellors. And I have given sufficient Reasons to shew, that this was no proper Council, or Synod, but only an extraordinary Consistory.

Apostolical Authority, who are the Deputy of the Blessed Apostle St. *Peter*. We also, with the Bishops our Co-assessors, at your command, lately read over the several Writings, which they that have been sent hither from the Island of *Britain*, have brought into your Apostolical Presence; as well those from the Person of the most Reverend Archbishop [*Theodore*] (who was sent thither from hence by the Apostolical See) as the Reports of others against a certain Bishop, who (as they express it) is upon the Subterfuge: as also such as have been offer'd by *Wilfrid*, beloved of God, Bishop of rhe Holy Church of [b] *York*, who being ejected from his See, by the aforenamed most Holy [*Theodore*] is come hither. Whereas they have inserted many disputable Points in these [Writings], and we do not find that he hath been convicted of any Crimes committed against the perspicacious Provision of the Canons; and his Accusers, even by their own Words, have not shew'd, that he has don any thing so criminal, as to deserve Degradation; nay, we rather know, that he hath contain'd himself within the Bounds of Modesty; because he has not engaged himself in any Seditious Animosities: but being expell'd from his See, the said Bishop *Wilfrid*, beloved of God, flies hither to the Apostolical See, to notify the Fact, as it deserves, to his Fellow-Bishops,

[b] The generality of Writers call *Wilfrid* Bishop of *York*, and so he was originally, I conceive, beyond all doubt; but he never was restored to this See, but forced to be content with *Hexham* (then *Hagulstade*), which makes some suppose him first put into That See.

2. The most Holy and Blessed Bishop of the Church Catholic, and the Apostolical City of *Rome*, said to his Co-assessors, Let *Wilfrid*, Bishop of the Holy Church of *York*, beloved of God, who, as we are

are told, stands at the Door of our venerable Consistory, be admitted, according to his Request, together with his Petition, which he is said to bring with him. As Bishop *Wilfrid*, beloved of God, entred into the Consistory, he said, *I intreat your Pontifical Beatitude, that ye would command the Petition of your Humble Servant to be received, and read in your Presence.* The most Holy Bishop *Agatho* said, *Let the Petition of Bishop* Wilfrid, *beloved of God, be received, and read before all.* And *John* the Notary took and read it to the Holy Apostolical Council.

3. " I *Wilfrid*, an unworthy Bishop of *Saxony*, " have conducted myself (God preventing me) to " this eminent Apostolic Place, as to a fortified " strong Castle, because I know, Canonical Regula- " tions are derived from hence to all Churches of " Christ; therfore I do with confidence ask for " Justice. For I doubt not but your Pontifical " Eminence, as well by the secret Information of " your humble Servant, as by what I have perso- " nally offer'd in your Apostolical Presence, *vivâ* " *voce*, at my first arrival, knows, that certain Men, " the Invaders of my Bishoprick, without con- " victing me of any [c] Fault, contrary to the Ca- " nons, have attempted to usurp my See (which I " had holden Ten Years and more) in a Conventi- " on of the most Holy *Theodore*, Archbishop of " *Canterbury*, and other Prelates assembled with " him. And Three Bishops are promoted to [d] my

[c] It is strange he shou'd think it no fault to oppose, his confessed Primate, and College of *English* Bishops in so reasonable a Decree as That which was made for the Partition of his Diocese; in which too they acted with the approbation of the King of *Northumberland*.

[d] It is certain that *Lindsey*, or the County of *Lincoln*, was originally no part of his See; and yet he could not truly say, that three Bishops were thrust into his See, unless he had reckon'd *Eadhed* of *Lindsey* for one.

" See, tho' their Promotion be not Canonical. " But it becomes me to pass over in silence, rather " than to demand, what is the matter that the " most Holy Archbishop *Theodore* should ordain " three Bishops, myself living, to my See, (which " I, tho' unworthy, officiated) and that [e] without " consent of any Bishop, your humble Servant not " acquiescing; *to pass it over in silence, I say*, out of " Reverence to That Man, whom I dare not ac- " cuse, as having been sent [to *Britain*] by the " Eminent Apostolical See. But if it appear, that " I being expell'd from my long enjoy'd See, a- " gainst the Right of Regular Sanctions, without " any such Crime as Canonical Severity strikes at, " have yet been troublesome to no Man, but with- " drew myself, after having first made my Protest " to my Fellow-Servants and Fellow-Priests, the " Bishops of that Province——If your Apostolical " Eminence judge that I am [justly] deprived, I " cheerfully embrace the Determination with a de- " vout Humility. But if [ye decree] that I should " receive again my long injoy'd Bishoprick, I am " forthwith in pursuit of it, and with all my Might " venerate the Sentence pass'd by the Apostolical " See, only [praying] that the Invaders be expel- " led from the old Parishes of the Church over " which I your unworthy Servant presided. And " if

[e] It is evident that a Synod of Bishops consented to the Partition of his Diocese, so *Wilfrid* himself confesses, tho' he minces the Matter by saying *they attempted to do it in a Convention*, &c. King *Ealdfrid* speaks out, and says, *Wilfrid* had twice been condemned in two Synods (*Spelm.* I. Vol. p. 203.) now by *Theodore*, afterwards by *Brihtwald*. It is probable indeed, that after *Wilfrid*'s See was vacated and divided into two, in Synod, *Theodore* fill'd both by his own Authority: And it is observable, that the foregoing Synod at *Rome* (Article the third) does expresly allow this Power of filling vacant Sees to the Archbishop of *Canterbury*.

" if it be thought fit, that Bishops be anew added " in that Parish, over which I presided, let your " Command be that such Bishops at least be pro- " moted, as that I may unanimously serve God " with them, by means of the Prevalence of a " calm, and sedate Unity, *&c.*

4. *Agatho*, the most Holy and Blessed Bishop of the Holy Catholick Church of the City of *Rome*, said, The Petition which Bishop *Wilfrid* beloved of God hath offered, gives no small Satisfaction to the Hearers, on this Account, that whereas he conceived himself undeservedly ejected from his Episcopal See, he made no Resistance by Contumacy, and secular Force, but with an humble Sentiment requested the Help of our [f] Principal, Blessed *Peter*, the Prince of the Apostles, professing that he would submit to whatever was determin'd, like an humble Suppliant waiting for what our Principal, the Blessed Apostle *Peter*, (whose Place we officiate) should think fit to be ordained by our Mouth.

[f] The Pope here is willing to have it thought, that this, and such like Disputes were to be decided by his own single Authority, and *Wilfrid* who perfectly knew the Arts of Address in this Court, in his Petition, seems to apply to the Pope only; but the two Bishops who speak in the first Article, express themselves in such a Manner, as to shew their Opinion, that *Wilfrid* sought Redress from the Bishops now assembled, as well as from the Pope: and sentence is passed in the fifth Article in the Name of the whole Synod, or Consistory.

5. The whole sacred Synod definitively pronounced thus, among other Particulars, We ordain, and decree that Bishop *Wilfrid*, beloved of God, do take the Bishoprick, which he lately had: [g] and let

[g] Let the Reader judge whether this Article do not in Part contradict the third Article of the preceeding Synod;

nod: for there the Archbishop has the sole Power given him of supplying vacant Sees, which were to be eleven, beside that of *Canterbury*. Here they mention no certain Number, but leave it to a Synod here in *England* to accept, or refuse such *Northumbrian* Bishops as *Wilfrid*, not *Theodore*, should name, and make the Bishops, not Diocesans, but rather *Chorepiscopi* to *Wilfrid*; the Consecration only being left to the Archbishop. However the Reader may here see the Modesty of Pope *Agatho* and his Bishops, in that they do not absolutely and peremptorily define the Cause, but leave it to an *English* Synod to conclude the Affair. I call this Modesty, in comparison to the arbitrary positive Proceedings of Popes in after Ages. So when *Wilfrid* was a second time deposed in Synod, and had again run to *Rome* for Succour, *John* the Sixth, then Pope, after many and long debates, remits the Cause to be determined by a Synod in *England*, charging the Kings of *Mercia* and *Northumberland* to see that it were called; and declaring, that if they did not by this means, bring Matters to an Issue, he wou'd see the Cause finally determined by a greater Synod at *Rome*, which yet he never did. The truth is, *Theodore* paid so little deference to the Pope, that he would not call the Synod as Pope *Agatho* had injoined him. And *Brihtwald* was so regardless of the See of *Rome*, that he wou'd not send his Advocates, or Solicitors, thither to answer *Wilfrid*; of both which Particulars Pope *John* complains in his Letters, which he sent by express Messengers, or Legates, by whom *Brihtwald* was at last terrified into a Compliance, and *Wilfrid* was restor'd in Synod to the See of *Hexham* only, and died four or five Years after in perfect Peace. We are no where I think, expresly told for what Crime *Wilfrid* was deposed a second time. I take the Cause to have been his taking a Bishoprick in *Mercia*, by the assignment of the King only, without Archbishop *Brihtwald*'s Leave: The King of *Northumberland* had banish'd him from his proper See, and he took Possession of another in an uncanonical manner; for which he was first Excommunicated, then deposed. But he was restored to his *Northumbrian* Diocese only, not his *Mercian*; yet he had some Monastries in the Kingdom of *Mercia* yielded up to him, he being the Founder of them.

let

let such Bishops as he shall choose, with the consent of a Synod there to be assembled, when they have first been ordained by the most Holy Archbishop, be promoted to be his Adjutors, after the expulsion of those who in his absence have irregularly been put into Possession of his Bishoprick. With an *&* *cætera*, in which they lay those who receive not these Decrees under an [h] Interdict.

[h] Here the Historian uses the Language of his own Age, not of the seventh Century. Interdict was a Censure now unknown. *John* the Sixth in the Decree, which he sent to the Kings of *Mercia*, and *Northumberland* in favour of *Wilfrid* after his second Deposition, and Expulsion (written about the Year 704) charges that Archbishop *Brihtwald* call an *English* Synod in order to bring this Dispute to an Issue: The Punishment with which he threatens the Bishops in case they absented themselves from this Synod was Deposition, so that they should not be treated as Bishops either here in *England*, or at *Rome*. I am inclined to think that the Crime being the same (if I may call it a Crime) the Punishment was the same too.

6. The Bishop elevated with these Decrees, was also commanded by the Pope to take his Place among the [i] 150 Holy Bishops, who were then engaged in the Council, against those who declared for

[i] Here is a Mistake in the Numbers; the *Roman* Synod consisted of 125 Bishops only. And *Wilfrid*'s Name stands among them in the following Form, "I *Wilfrid*, "humble Bishop of the Holy Church of *York*, in the "Island of *Britain*, Legate of the venerable Synod con-"stituted in *Britain*, do consent, and subscribe to this "Report Synodically made by us. (Act 4. Synod. 6. *in* "*Trullo*) If this Subscription be genuine, it will call *Wilfrid*'s Sincerity into question. For *Wilfrid* was so far from being a Legate from *Theodore*, and the other Bishops in *England* at this time, that he was not in Communion with them. The *Popish* Writers to cover this, say, that *Wilfrid* being absolved at *Rome*, *Theodore* was reconciled to him; but neither was *Wilfrid* absolved, nor

nor was *Theodore* reconciled to him, as appears from what hath been said before. *Bede* says nothing of his being a Legate; but only that the Pope call'd him to the Council, and seeing him sit there, commanded him to declare the Faith of himself, and of the Province, or Island from which he came; and when he, and they were found to be Catholic in their Faith, this Entry was made in the Acts of the Synod, *viz. Wilfrid*, beloved of God, Bishop of the City of *York*, bringing his Cause to the Apostolical See by Appeal, and being by Authority thereof absolved from all things, certain or uncertain, (*which is more than was strictly true*) and seated among the other 125 Bishops, that had diffinitive Voices in Synod, did also confess the Catholick Faith for all the North Part of *Britain*, and the Isles of *Ireland*, inhabited by the Nations of the *English*, *British*, *Scots*, and *Picts*; and confirmed it with his Subscription. L. V. c. 20. *N. B.* by the *Synod constituted in Britain*, we are to understand the Archbishop, and his Comprovincial Bishops which is a Way of speaking, not uncommon in this Age.

for one only Operation in the two Natures of our Lord Jesus Christ. Afterward resolving to return, he escaped all Dangers thro' God's Protection, and arrived in his own Country: And obtaining Access to the King, tho' not without Difficulty, he shew'd him the sealed Decrees of the Apostolic [Pope]. He, when he had first caused them to be read to the Bishops of his own Faction, who were then in the Room with him, was so void of Reverence toward the *Roman* See, that he committed the Blessed *Pontiff* to a certain Reeve to be put into Gaol, after he had first stript him of whatever he had, and sent his Attendants some one Way, some another.

I have not room left me to relate at large how Wilfrid *being not admitted to any Share of his former Diocese, went, and preach'd Christianity among the* South-Saxons, *and became the first Bishop of* Seolsey, *how afterwards he converted the Inhabitants of the Isle of* Wight, *and ingratiated with the Court of* West-Saxony,

ony, *and at last had a See granted him by the King of* Mercia. *But after having pass'd many Years in an unwilling Absence from the Diocese of* York, Theodore, *when he was no longer* Theodore, *in the* 87th *Year of his Age, when he felt Death approaching, relented, and wrote to the young King of* Northumbria *in his Behalf: The King paid greater Deference to* Theodore's *Letter, than his Father did to the Pope's, and restored him to some Part of his former Diocese, but he was again deposed in a Synod by* Brihtwald, Theodore's *Successor, in the See of* Canterbury, *and again went to* Rome, *and after being heard in a Synod (in* 74 *Synods, say some, held within the Space of four Months) he obtain'd Pope* John *the Sixth's Letters, in his Behalf: and tho'* Brihtwald *was willing to have call'd a Synod, as the Pope directed, and to have determin'd the Cause, yet the King peremptorily declared against it. For he did not think fit to receive a Man to communion, who had been twice condemned by an* English *Synod: yet the King too in his last Sickness relented, as some of his Court afterwards attested, and* Wilfrid *at last died, after he had been Bishop forty five Years, in Possession of one Part of his quondam Diocese, and was buried in his Monastry of* Rippon: *And they made a kind of Saint of him. Archbishop* Odo *is said to have removed his Bones to* Canterbury, *but his Northern Devotees affirm'd, that they had his Relicks, and that the Carkase, which* Odo *translated to* Canterbury, *was that of* Wilfrid *the Second.*

Upon the whole it appears, that Wilfrid *was a Prelate inflam'd with a Zeal for propagating Christianity, that led a Life free from gross Immoralities, and was probably as popular as any Bishop ever was, both with great, and small, in the three Kingdoms of* Mercia, West-Saxony, *and* South-Saxony; *and his Character might have been without Blemish, if either he himself had been a Metropolitan; or if he had not lived under such Disciplinarian Primates, as* Theodore,

[b] Parties, while yet the Principal Persons, concerning whom the Dispute first arose, have not here made their personal Appearance, without which the Dispute cannot be brought to an Issue. Therfore we admonish our Brother Archbishop *Brihtwald*, that he assemble a Synod together with *Wilfrid*, and there convene [c] *Bosa*, and *John*, and hear the Pleadings of the Parties, and consider what each side can make good against the other. And, if the Affair can be determin'd in that Synod, it will be pleasing to us; but if not, let him monish them to come to the Apostolical See, that what could not be determind before may be decided in a greater Synod. But let him know that who ever does not appear thro' Contempt, renders himself liable to Deposition, he being no longer to be taken for a Bishop, either here, or there. Let your royal Sublimity cause a Convention, that what we have providently intended thro' Christ's Assistance, may come to good Effect. But whoever, of what Quality soever, with an audacious Timerity stands in Contempt, shall not escape [d] Punishment from God, and being bound in Heaven shall not be indemnified.

[b] That is the Agents, or Solicitors on both sides.

[c] These were both of them *Monks* taken from *Hilda's* Monastry, *Bosa* was put into the See of *York*, on *Wilfrid's* first Deposition, *John* into the See of *Hagulstade*; or *Hexham* upon *Eate's* Death; and afterwards into the See of *York*, during *Wilfrid's* Life. This seems a violent Presumptive that our best, as well as wisest Men here in *Engl.* esteem'd *Wilfrid's* Deposition to be just; otherwise *John* (afterwards S. *John* of *Beverly*) wou'd never have accepted two Sees in *Wilfrid's* former Diocese, especially not his Capital See of *York*, while *Wilf.* was yet alive, and either in the *Mercian* See, or that of *Hexham*. *Bede* reports many Miracles don by this Bishop *John*, L. 5. c. 2, *&c.*

[d] King *Ealfrid*, says the Historian, opposing this papal Mandate died soon after. His Sister *Elfled*, who succeeded *Hilda* in her Abbacy, testified her Brother's Repentance before his Death: So *Wilfrid* recovered the See of *Hexham*, in the Synod held near the River *Nidde*.

A. Di

A. D. DCXCIII.

Ecclesiastical Laws of INE, King of the *West-Saxons*, taken out of a System of Seventy-five Laws, made by the same King.

PREFACE.

KIng Ine *began his Reign over the* West-Saxons, *in the Year* 688, Brihtwald *succeeded* Theodore *in the Archbishoprick of* Canterbury, *in the Year* 693, *after three Years Vacancy of the See: He excell'd his Predecessor only in one Point; it was, in being an* Englishman. *The following Laws of King* Ine *were made without the Presence of any Archbishop, and therefore probably between the beginning of his Reign,* 688, *and the Consecration of* Brihtwald, *which was in* July, 693. *The Archbishop wou'd have been ready to attend him, if the Council had been held in the next Year. But at present ther was another Obstruction; ther had been a War between the Kings of* West-Saxony *and* Kent, *from the Year* 687, *till* 694: *then* Wihtred, *King of* Kent, *purchased Peace of King* Ine, *with thirty thousand Pound, (as some say) but it is not credible that such a Sum could then be raised in so small a Principality: Others say, with as many Marks; but neither can this be believed: It is more probable, that it was done with thirty Men, as*

Wheloc's *Edition of the* Saxon *Chronicle relates it; the Men of* Kent *had burn'd* Mull, *a Kinsman of King* Ine, *with twelve of his Companions, in the War; this enraged the* West-Saxons; *but* Wihtred *made Peace, by giving thirty of his Men for thirteen of theirs. It seems probable that* Ine *held his Council, in which these Laws were made, at the farthest, in the Year before the Peace; and before his going to* Rome, *and granting the* Peter-Pence, *for maintaining the* English *School at* Rome: *For Provision wou'd have been made in these Laws, for the levying of them, if the Grant had yet been made. If it had been in any following Year of* Ine's *Reign,* Brihtwald *would most probably have been there, either in Person, or by his Legate; for he outliv'd* Ine *three Years; and sate Archbishop the longest of any, I think, in this See, (I mean, above* 37 *Years) excepting* Ceolnoth.

A. D. DCXCIII.

Sax. Sir *H. S. Vol.* 1. *p.* 182.

I *Ine,* by the Gift of God, King of the *West-Saxons,* by the Advice of *Kenred* my Father, and [a] *Hedde* my Bishop, and with all mine [b] Aldermen, and the Senior Counsellors of my Nation, and also a large Assembly of the [c] Servants of God, have been consulting the Health of our Souls, and the Stability of our Reign, that Right

[a] He was the second Bishop of the *West-Saxons*; his See, *Winchester.*

[b] The Alderman was he, who had the chief Superintendence of any large Districts or City.

[c] The *Servants of God,* were the Abbots, Priors, and other Heads of Religious Houses. Indeed, all Monks and Regulars, often pass under this Character: And ther were few of the Clergy, that were not Monks, or Regulars. It is too early to look for Parish-Churches in *West-Saxony*; it was scarce 60 Years ago, that *Byrinus* first preach d Christianity to them; and the Kings had not been steady in the Profession of their Religion.

Right [d] Law, and Right Royal Dooms, may be settled among our People. And they were confirmed so that no Alderman, nor any of our Subjects, were hereafter to alter these our Dooms.

[d] The old Latin, as well as *Lambard*, have turn'd æp *conjugium*. But ther is no Ground for this, excepting that an e is wanting at the end of the Word. The old Latin turns æ in the same manner, *Law* 1.

1. First, we command all God's Servants, that they study their right Rule, and duly observe it: In the next Place, we command, That the Law, and Dooms be observed of all Folks.

2. Let a Child be baptized within thirty Nights: If it be otherwise, let [the Father] make Satisfaction with thirty Shillings. If it then die, without Baptism, let him make Satisfaction with all that he hath.

3. If a Slave work on the *Sunday*, by his Lord's Command, let him become a Freeman, and let the Lord pay thirty Shillings for a Mulct: But if the Slave work without his Lord's Privity, let him [e] forfeit his Hyde, or a Ransome for it. If a Freeman work without his Lord's Command, let him forfeit his Freedom, or sixty Shillings. Let a Priest be liable to double Punishment.

[e] That is, Let him be scourged. See *Law* 5. But it is supposed, tho' he might have Money to redeem his Hyde: Therfore *English* Slaves had their Property.

4. Let the [f] Church-Scot be paid by St. *Martin*'s-Mass; if any one pay it not, let him be amerced forty Shillings, and pay the Church-Scot twelve-fold.

[f] By the 13th of these Laws, it will appear, that the Church-Scot was to be paid according to the Value of the House in the which the Man lived at *Christmas*, but he

he had eleven Months, wanting one Fortnight, allow'd for Time of Payment, *viz.* from *December* 25. to *November* 11. (call'd *Martin-Mass*) in the following Year. The *Rome-Peny* was the same to every Housekeeper; but ther was a Difference in the Church-Scot; it shou'd seem, not according to the Wealth or Quality of the Person, but the Value of the House in which he lived at *Christmas*. It was commonly paid in Grain, or Seed, tho' sometimes in Fowls. See *Cyric-Set* in *Spelman*. It was paid first to the Bishop's Church, afterwards to the *Lester* to which the Man resorted for Divine Worship. We cannot doubt but Tithes were paid in *England*, at this Time, and before: *Boniface*, in the Year 693, was twenty Years of Age, (he was born 670) and he testifies, that Tithes were paid in the *English* Church, in his Letter to *Cuthbert*; and ther is Reason to believe, that they were paid freely and fully, or else this King, who made so severe a Law for paying the Church-Scot, wou'd have made a severer for paying Tithes, as some Kings did, some hundred Years after this, when the Peoples first Fervors abated. The Church-Scot was a new Taxation, and therfore not readily paid: Tithes were from the beginning, and therfore paid without repining.

5. If any one be guilty of a capital Crime, and g flee to the Church, let him have his Life; but let him make Satisfaction, as Right directs. If any one forfeit his Hyde, and flee to the Church, let his Lashes be forgiven him.

g Churches were Sanctuaries, where-ever Christianity gained a Civil Establishment; and since they were so here too, from thence it appears, that Men suffered Death for some Crimes, unless they got into Sanctuary; and that therfore pecuniary Mulcts were not accepted in all Cases: Perhaps it was at the King's Discretion, whether the Criminal shou'd suffer Death, or pay the Mulct. See *Law* 6.

6. If one fight in the King's House, let him forfeit all his Estate, and let the King deem, whether he shall have his Life, or not. If one fight in

in a [h] Minster, let him make Satisfaction with an hundred twenty Shillings. If one fight in the House of an Alderman, or other Noble Counsellor, let him make Satisfaction with sixty Shillings; and pay other sixty Shillings for a Mulct. If one fight in the House of a [i] Tenant, or a common Man, let him pay thirty Shillings for a Mulct, and six Shillings to the common Man. And if ther be a Fight in the open Field, let an hundred twenty Shillings be paid for a Mulct. If Men quarrel at their [k] common Table, and some patiently contain themselves, let the other pay thirty Shilling for a Mulct.

[h] Here is no particular Mention of the Bishop's House, but it is comprehended under the general Name of a Minster; because all Bishops, probably, in this Age, and Country, had their Habitations in the Monastery, or Religious House belonging to the Cathedral Church.

[i] ȝeþolȝylδen, was, I conceive, he who held an Estate at a certain Rent, payable to the Lord.

[k] ȝebeoþrcipe, signifies, the Freemen of the whole Tithing, or Borough. Our Ancestors were in this Age, emerging out of the Savage Life: Every ten Families, or thereabout, were Security for each other's good Behaviour; and therfore were obliged to eat and drink together, that they might often see each other, and that none might absent themselves from home upon unlawful Occasions, without the Knowledge of his Neighbours. Every single Man of the Tithing, or Gebeorscipe, was call'd, *Gebur*, which I translate, a common Man. The chief of them, who was Security for all the rest, was the Borsholder, or Tithing-man. This was continued long after the Conquest. The *Normans* called the ten Men, *Franc Pledges*. We still have our Tithings, or Boroughs, and our Tithing-men, or Borsholders.

7. If one falsify his Testimony, or his Faith, given in the [l] Bishop's Presence, let him make Satisfaction with an hundred twenty Shillings.

[l] This was one Reason for the Bishop's sitting on the Temporal Bench with the Alderman, *viz.* To tender necessary

cessary Oaths in the most solemn Manner; for the *English*, in this Age, were under the greatest Awe of falsifying an Oath taken on the Bishop's Hand, or on a Cross holden in his Hand. Long after, the two Jurisdictions were entirely separated, *Gerv. Dorob.* tells us, that difficult Causes, which cou'd not be determin'd in the King's Court, were decided by the Archbishop, at the *South-Door* of *Christ's Church*, *Canterbury*. I suppose, by this is meant, that it was left to the Archbishop to sift out the Truth, in knotty temporal Causes, by a most solemn Oath administred by the Archbishop in Person. See *Somn. Gloss. verb. Suth-dure.*

8. If one buy a Slave, or Freeman of his own Nation, (tho' he be a Malefactor) and send him over Sea, let him pay his Weregeld, and make [a] deep Satisfaction to God.

[a] By this is meant severe Penance, to be inflicted by the Bishop, and probably in Publick. This was another Reason why the Bishop sat with the Alderman, That he might condemn such Criminals to Penance, as deserved it. This, and the 9th and 10th *Law*, are not in Sir *H. S. N. B.* The Were, or Weregelt, was the Ransom paid for Murder.

9. If a Man be charged with robbing in a [b] very large Gang, let him either pay his *Weregeld*, or make his Purgation. Half of them who take the Oath, shall be Frequenters of the Communion——

[b] This Law was too long to be inserted at length: The *large Gang*, was any Number from 7 to 35. In this Case none were allowed to be Compurgators, but such as were worth 120 Plow-lands. The *very large Gang*, was 35 in Number, or more. In this Case, half of the Compurgators were to be Frequenters of the Communion: From which it appears, that Mens Oaths were valu'd according to their Wealth; but that the Oath of one that frequented the Communion was laid higher than his, that was worth 120 Plow-lands. To the same Purpose, see *Law* 10.

10. A Bailiff of one of the King's Farms, if his Weregeld be laid at twelve hundred Shillings, and if he be a Frequenter of the Communion, his Oath shall be of as great Availment, as his that hath sixty Plow-lands.

11. If a Foreigner be slain, let the King have two Shares of the Were, the Son, or Kindred, the third Share. If he he hath no Kindred, let the King have one half, the chief [of the murder'd Person] the other half. If [the chief] be an Abbot, or Abbess, let them in the same Manner share with the King. If a Stranger be a Tenant, [he is laid] at an hundred twenty Shillings, his Son at an hundred, a Slave at 60 Shillings, some at 50; a Stranger's Hyde at eleven Shillings. A Stranger, if he hath five Plow-Lands, is esteemed as one worth six hundred Shillings.

12. Satisfaction shall be made for breaking into the King's House, with an hundred twenty Shilings, and [for breaking into] the Bishop's, where his See is. [For breaking into] the Alderman's, with eighty Shillings; the [c] King's Thane's, with sixty Shillings; the [d] commanding Officers in the Army, (he being Lord of the Soil) with five and thirty Shillings. And [they shall] make their Purgation [e] proportionably.

[c] The simple Thane was an inferior Nobleman; the King's Thane, one of those who had an Office at Court.

[d] ȝeriþcunð-man. In the 53d of these Laws, a Fine is laid on a Man of this Title, or Character, if he leave the Army: and a greater Fine than on any other.

[e] That is, the Compurgators shall be proportionable to these Sums, in Number and Value. *Sed Quære.*

13. The Church-Scot shall be paid for the Roof, and Fire-hearth, where Men are at [f] Midwinter.

[f] That is, *Christmas*-Day: The opposite Half Year Day is still called, *Midsummer.*

14. If one kill another's Godson, or Godfather, let the [g] Magbote [to the Godfather, or Godson] and the [h] Manbote be alike. Let the Satisfaction increase in Proportion to the Were, as also the Manbote does, which is due to the Lord. If it be the King's Godson, let him make the same Satisfaction (in Proportion to his Were) to the King, as to the Kindred. [i] If he were in Defiance with him, who slew him, then the Satisfaction to the Godfather fails in the same Manner that the Mulct to the Lord doth. If it be a [k] Bishop's Son, let it be half as much.

[g] Mægbote was the Satisfaction due to the Family, for killing one of them.

[h] Manbote was the Satisfaction due to the Lord, for killing his Man: In ordinary Cases this was but a sixth or seventh of the Magbote.

[i] If the murder'd Person had committed a capital Crime, and yet stood, *vi & armis*, in his own Defence, and died in the Combat, no Satisfaction was due for him. Both the old Latin, and *Lambert*, say, *Si a parentela ipsius sit, vel si vi a cognato, &c.* but I see no Reason for this. My Translation here is verbal and clear.

[k] A Bishop's Godson.

A. D. [a] DCXCII.

King Wihtred's Grant of Privileges.

THen *Wihtred* began his Reign over the People of *Kent*, and continued it thirty-three Winters——— As soon as he was King, he commanded a great Council to assemble, at a Place call'd [b] *Baccanceld*: *Wihtred*, King of the *Kentish* was there present, and *Brihtwald* Archbishop of *Canterbury*, and *Tobias* Bishop of *Rochester*, and the Abbots and Abbesses with them; and many wise Men were there assembled, to take Counsel together about the [c] Reparation of the Churches

Sax. Chr. p. 48.

[a] King *Wihtred* reign'd 33 Years, died, 725; therfore began his Reign 692. It is by Mistake placed in 694. See *Bede*, *l.* 5. *c.* 9.

[b] Now called *Bapchild*, near to *Sittingbourn*, on the *Canterbury* Side, being about Midway between the Coast of *Kent* and *London*, and therfore a very convenient Place for a *Kentish* Council. At this Place, not many Years since, were the visible Remains of two Chapels, standing very near to one another, on the right Hand of the Road from *Canterbury* to *Sittingbourn*; the present Church stands on the opposite Side at no great Distance from them. Dr. *Plott*, many Years since, observed to me, that this and other Circumstances, were good Presumptions, that this was the old *Baccanceld*, the Place for *Kentish* Councils. The old *Saxons* very often wrote a simple *c*, where we now write and pronounce *ch*.

[c] The Churches of *Kent* must have suffered very much in the late Wars with the *West-Saxons*.

Churches in *Kent*. Then the King began to [d] speak, and he said:

[d] The most proper Way for King *Wihtred* to make Grants, was to do it by the Word of his Royal Mouth; for he could not write: Which was the Misfortune also of *Charles* the Great. Ther is no doubt, but that this Grant of his was put into Writing, and that the Copy of it in the *Chron. Sax.* is (as to the main) true and genuine. Sir *H. S.* tells us of five Latin Copies of it: And great Objections have been raised against them; and they are certainly spurious, and do widely differ from each other. But I see no Reason to question the Decrees of this Council, as they stand in the *Chron. Sax.* The Spelling is indeed like that of the *Danish* Age; but the Words and Phrases are, so far as I can discern, truly antique. And if ancient Monuments are to be rejected for the Mistakes of Transcribers, I know not what can remain unsuspected. Here is a double Proof of its being originally written in true ancient *Saxonic*; I mean, there are two Sentences which deny with a double Negative: For the great Master of the *Saxonic* Tongue positively affirms, that the *Dane-Saxons* always deny with a single Negative, *Sax. Gram. p.* 101. None, indeed, of our Historians mentions this Council. In truth, I cannot readily recollect any one single Council, said by any Historian to be held in *Kent*, exc pt, perhaps, accidentally, when a great Number of Bishops have met at *Canterbury*, to consecrate new ones, and then have treated together of some Ecclesiastical Affairs. But will any wise Man from thence conclude, that the Kings of *Kent* never held any Councils? *Bede*, from whom our other Historians transcribe the Memoirs of this Age, omits some Councils holden in his own Province, as appears from the seventh Answer of *Ecbyrht*, who will therfore wonder, if he omitted this in *Kent*? Most Monkish Forgeries had some Foundation in Fact. The Confirmation of the Liberties of the Church by *Wihtred*, was a Thing well known in his little Kingdom; but when they came to inspect the Memorial of it, they found it wou'd not satisfy the *Normans*, for want of modern Form and Circumstances, therfore they supplied this Defect out of their own wicked, dull Inventions.

1. My Will is, That all the Ministers and Churches, that have been given and bequeathed to the Honour of God, in the Days of the Faithful Kings, my Predecessors, and in the Days of my Kindred, that is, *Ethelbyrht*, and his Successors, do so remain to the Honour of God, and stand firm for ever and ever.

2. Whereas I *Wihtred*, an earthly King, incited by the King of Heaven, and inflam'd with a Spirit of Justice, being well instructed by our Forefathers, have learn'd, that no Layman ought of Right [c] to go to any Church, or any of the Possessions thereunto belonging, and to take free Quarters there, for himself, his Guards, or Retinue, or to demand any Tribute from it: Therfore we do firmly and faithfully constitute and decree, and in the Name of Almighty God and of all the Saints, we forbid all Kings our Successors, and Aldermen, and all Laymen for ever, all Dominion over the Churches, and all Things belonging to them, which I, or my Ancestors in former Time, have given for a perpetual Inheritance, to the Glory of Christ, and our Lady St. *Mary*, and the Apostles.

c See *Sax. Gram. p.* 13. Bishop *Gibson* turns it, *Seipsum immittere in quamvis Ecclesiam, &c.*

3. And when it happens that Bishop or Abbot, or Abbess departs this Life, let it be notified to the Archbishop, and let such an one as is worthy be chosen, with his Advice and Consent; and let the Archbishop make Enquiry into the Life of the Man that shall be chosen into so sublime an Office—— and into his Chastity. And let no Man in any wise be chosen or consecrated into so sublime an Office, without the Advice of the Archbishop. Kings ought to constitute Earls, and Aldermen, Reeves of Districts, and Judges; and the Archbishop ought to instruct and govern God's Con-

Congregation, and to choose and appoint [f] Bishops, and Abbots, and Abbesses, and Priests, and Deacons, and to consecrate and establish them both with good Precepts and Examples, lest any of God's Flock go astray and perish.

[f] It may be said, that *Wihtred* here prescribes Laws to other Kingdoms; but in Truth, he only declares the ancient Right of Primates. Further, *Wihtred* had probably two Bishops in his Kingdom, at *Rochester*, and St. *Martins*, near *Canterbury*: *Botred*, who subscribes in the forged Latin Copies, might be Bishop of St. *Martins*.

It was no unusual Thing for great Men, once and again to renew the Privileges, or Charters, which they made to Churches: Ther is, in Sir H. S. p. 198, *another Confirmation of the Liberties of the Monasteries, and Churches in* Kent; *I dare not affirm it to be genuine; nor does Sir* H. S. *inform us whence he had it, but it is said to have been made in the eighth Year of* Wihtred's *Reign, which was* 700, *at* Cilling, *that is, I suppose,* Feversham. *Tho' I do not consider it as genuine, yet I may have Leave to shew my Reader how the Liberties of the* Kentish *Churches were then exprest, or, which is the same Thing, how the Word* onytingan, *about which our* Saxonists *differ, was understood, by those who drew this Instrument,* viz. That the Churches and Monasteries be free from all publick Exactions of Tribute, and from all Damage and Hurt, from this present Day. *See Note* [c] *above.*

A. D.

A. D. DCXCVI.

King WIHTRED's Dooms Ecclesiastical.

PREFACE.

THE *following Laws of King* Wihtred, *have so many Marks of genuine Antiquity, and the whole Texture of them is so agreeable to the Simplicity of this Age, and the Style so truly Saxonic, that a Monk of the Tenth or Eleventh Century might as well be suspected of falsifying in* Hebrew *or* Arabic, *as in the Language in which these Laws are written. But it is objected, That the Acts, or Preface, make these Laws to have been compiled in the Fifth Year of this King's Reign, and the* first Indiction. *I answer, No; this is the Mistake of Sir* H. S. *or of his Friend* Lisle. *The* Saxon *Preface says expresly, it was* the ninth Indiction: *But it has been asserted, that the fifth of this King's Reign falls in with the Tenth Indiction. This can by no means be allowed; for if the Year 692 was the first of his Reign, (for which see* Bed. l. 5. c. 9.) *then 696 must be the fifth: And I suppose no one will dispute but 696 was the Ninth Indiction. Sir* H. S. *by Mistake plac'd it in 697, forgetting that* Wihtred *coming to the Throne of* Kent, *in the beginning of the Year 692, or however, before* July, *therefore 692 ought to be reckon'd for one Year of his Reign. But Exceptions have been made against the Title here given to* Brihtwald, *viz.* High, *or* Chief Bishop of Britain. *But sure it cannot be thought unreasonable, that*

that he should be called the High *or* Chief Bishop, *because he really was so. As to the other Point,* Bishop of Britain, *it was the Style of his immediate Predecessor* Theodore, *in the Council of* Hatfield, Bed. l. 4. c. 17. *and the Province of* York *was subject to* Brihtwald, *as well as* Theodore. *It is true,* Gibmund's *Name is put for* Tobias, *then Bishop of* Rochester; *and this was a Blunder of the Scribe, and I wish ther were no more Errors than this, especially in the Spelling. But if the wrong Name of a Bishop were sufficient to invalidate or discredit any publick Act,* Magna Charta *it self must be condemned as spurious; for all the publish'd Copies of it bear* His Testibus Bonifacio, Cant. Archiescopo, 1224; *yet it is notorious, that* Magna Charta *was first solemnly pass'd in Parliament, in the ninth Year of* Henry III. A.D. 1224. *and then it is as notorious, that* Stephen Langton *sate Archbishop. Ther is one Difficulty in the Acts, or Preface, which it is here proper to mention, I mean, that the Council is in the* Textus Roffensis *said to have met on the sixth Day of* Rugernes, *or* Augernes; *Sir* H. S. *could not certainly say, whether the first Letter was* A, *or* R. *I presume the Copy from which the Transcriber wrote it into the* Text. Roff. *had* Ernes *only, which was the known Name of the Month* August, *in the ancient* French, (*save that the first Letter of it was* A *in their Orthography:*) *And the* Kentish *People may be reasonably presum'd to have borrow'd this Word from their next Neighbours beyond Sea, as well as several others. But the Scribe was going to put down* August, *as being the more familiar Name of that Month, in the Age when the Transcript was made,* (viz. *in the Reign of* Henry I.) *yet upon Recollection he resolv'd to follow his Copy, and so struck out so much as he had written of the Name* August, *tho' not so perfectly as to render it wholly illegible, and wrote* Ernes: *Perhaps he resolved to insert both Names; the one by Abbreviation, the other*

ther at large, that one might explain the other. Our Misfortune is, that ther is only a single MS. Copy of these Laws; and that was very carelesly publish'd by Sir H. S. *but Mr.* Somner's *Corrections have cleared several Difficulties. It may seem strange, that these Laws of King* Wihtred *should have a more formal Preface, and the Time and Place more precisely specified, and the Persons of which the Council consisted more expresly mention'd, than several other Sets or Systems of Laws in the following Ages; but it is to be remembred, that many of Archbishop* Theodore's *Scholars were yet alive, and to them we owe this Exactness.* Theodore *himself had not been seven Years dead, at the Time of this Council.*

A. D. DCXCVI.

THese are the Dooms of *Wihtred*, King of the *Kentish*. *Sax.* Sir *H. S. Vol.* 1. *p.* 194.

[a] When *Wihtred*, the most clement King of the *Kentish*, bare Rule, in the fifth Year of his Reign, in the ninth Indiction, on the sixth Day of *August*, at a Place called [b] *Berghamsted*, a conciliary Congress of Great Men was assembled: There was *Brihtwald*, chief Bishop of *Britain*, and the King before named; and also the Bishop of *Rochester*, the same was named [c] *Gibmund*; every Order of the Church in that Nation, of the same Mind

[a] *N. B.* Mr. *Somner*'s Emendations of Sir *H. S.*'s Text, in the Acts or Preface of this Council, are as follows, *viz.* ȝeþeahtenðlice, for ȝeh-----, æ·nænmða for æþnæm þa, þæt hatzen for þæt hatzen. Further, I take ⁊ ranð, as one Word, and to signify *present*. Mr. *S.* also read anmoðlice for acmoðlice.

[b] Perhaps, now *Bursted*, or *Barsted*, near *Maidstone*, the present Assize-Town.

[c] *Tobias.* See my Preface to this Council.

Mind with the People [d] subject to them, were present, and treated. And there the Great Men devised these Dooms with the [e] Consent of all, and made Additions to the Righteous Usages of the *Kentish*, as it is hereunder said and declared.

[d] *Sax.* þeꝼuman, which never signifies *Military*, as Sir *H. S.* here renders it; but perpetually *conformable*, *obedient*, *subject*, or the like.

[e] It is sufficiently plain, that the People in this Council had consultive, and even conclusive Voices: And this seems but reasonable, if it be considered how much their Property was affected by the first Words of the first Law. The King had before granted this Privilege to the Church; but he and the Clergy too might see just Occasion to take the Consent of the People to so extraordinary an Immunity: And pious King *Wihtred* thought by this Means to perpetuate his Generosity to the Church.

1. [f] A Freedom from Taxes belongs to the Church; and let Men pray for the King, and honour him of their own Accord, without any compulsory Law.

[f] Mr. *S.* here deletes the ·̇·. between e and a in Cipicean, and by Conjecture reads ȝaꝼol ah, for ȝaꝼola, therfore he thus understood this Sentence, *Let the Church have an Immunity from Taxes.* Mr. *S.* also read ꝼeoꝼþiȝen, not he----

2. [g] Let the Protection of the Church, and also of the King, be Fifty Shillings.

[g] That is, Let the Penalty for Breach of Protection be Fifty Shillings, in both Cases. King *Ethelbert* required as much more for Breach of the Church's Peace, or Protection, as for Breach of his own. But by one hundred Years Experience, this was found unreasonable. The most common Breach of the Church's Protection was by drawing Malefactors from Sanctuary: And certainly this was a Grievance to the Nation, that Criminals should be shelter'd by the Church.

3. Let

3. [h] Let Whoremasters betake themselves to right Life, with Penance for their Sins; or else let them be separated from [i] Communion, [k] without Ecclesiastical Purgation.

[h] Uncleanness was always one principal Subject of Church-Discipline, especially here in *England*. And it is observable, that the whole *Kentish* Nation here consents, that Uncleanness be punish'd by both Jurisdictions, Spiritual, and Temporal. See *Law* 6.

[i] Mr. *S.* read ȝemanan, not ȝenam— Sir *H. S.* read hneoþe, tho' his printed Text has —oþe, as likewise in many other Places.

[k] That is, either without allowing him Purgation, the Law being meant of notorious Whoremasters, or else the Meaning is, that he shall be Excommunicated, unless he can by Law purge himself; to which latter Sense the Saxon oþ, here inclines me. However, by this it seems plain, that Purgation of any Crime, by the Oath of the accused Party, and his Compurgators, is as ancient as Ecclesiastical Jurisdiction itself, within this Kingdom. It is mention'd in the Laws of *Lothere* and *Eadric*, Kings of *Kent*, four or five Times; and tho' those Laws are all Temporal, and the Purgation there mentioned be in Relation to Temporal Matters; yet the Oaths were to be made at the Altar, by *Law* 16. The taking away this Purgation has rendred Discipline impracticable.

4. [l] If Foreigners will not reform their Filthiness, let them, with their Goods and Sins, depart out of the Land; [m] so that the Church-men among the People suffer the Loss of Communion [a] without being banish'd.

[l] Mr. *S.* here read mæn for mæn, þra for þræ.

[m] Here, perhaps, I have too closely follow'd Mr. *S.'s* Emendation. Let me have leave to suppose, that Sir *H. S.* read justly, save that he made þræþe, two Words, when it shou'd be but one; (and this is very usual in his Text) then the Translation is clearly thus, *Let the complaisant Churchmen among the People*, &c. as in the Text. By *complaisant Churchmen among the People*, they meant, probably, secular Clergymen, as they were

afterwards called, who lived among the People, not in Monasteries, as the Regulars did, but had too much of the Gallant in them, so as to be infamous for their vicious Amours, *C. Cloves-hoo*, 747. 9. The Law exempts these from the Penalty of Banishment, tho' they were Foreigners, because ther was probably a Scarcity of Clergymen at this Time.

[a] ungeþrȣbyne, literally, *Unbanisht*.

5. If it hereafter happen, that a [b] commanding Officer in the Army engage himself in an unrighteous Copulation, in Contempt of this [c] Gemote, contrary to the Command [d] of the King, and the Bishop, and the [e] *Doom-Book*, let him make Satisfaction for it to his Lord, with an hundred Shillings, [f] an ancient Right.

[b] See Law of *Ine* 12.

[c] All authoritative Assemblies were so call'd.

[d] Mr. *S.* read Cyningar. But it seems a Mistake of his, or of *Text. Roff.*

[e] The *Doom-Book* contain'd all the Laws, Penalties, and Dooms then in Force.

[f] *Pro more Somner.* You have this Expression in the 12th Law of *Lothere*, and *Eadric*, tho' in another Case. And it is not uncommon in ancient Monuments, yet Sir *H. S.* omits it in his Translation. By this it shou'd seem they had older Laws to this purpose.

6. If it be a common Man, let him make Satisfaction with fifty Shillings: And let [g] each of them desist from Uncleanness, with Penance.

[g] Or, *notwithstanding this.*

7. [h] If a Priest [i] connive at unrighteous Copulation, or neglect baptizing of the Infirm; or be so

[h] Mr. *S.* has justly deleted Sir *H. S.*'s Translation of this Law entirely; and he read Biscoper ȣom, for hiſ coper—

[i] Mr. *S.* says, *Si Sacerdos a scortationibus non abstinuerit*, taking læt in the Sense of *leaving*, or *abstaining*,

ing, and supplying na, which last I thought too bold for my Imitation. I rather take læf in the Sense of *tolerating*, *giving leave*, or *conniving at*. By this, and other Evidences, it appears, that Priests were of Old esteem'd to be under an Obligation to present Offenders to the Bishop, as Church-wardens are now. Yet perhaps læf, may stand for leof: *If the Priest love unrighteous*, &c.

so drunk, that he cannot [do it] let him desist from his Ministration, for so long a Time as the Bishop's Doom [requires.]

8. If a [a] shorn Man irregularly wander about, Entertainment may be given him for once; [b] and let it not be that he be entertained for any long Time, unless he have a License.

[a] That is, A Monk: Yet all Clergymen were shorn, tho' not in so ample Manner as Monks.

[b] Mr. *S.* read hæbbe, not nabbe, as Sir *H. S.* yet unless the *Text. Roff.* be very clear for Mr. *S.*'s reading, I shou'd rather chuse Sir *H. S.*'s, and turn this last Clause thus, *and that not without Pay. Let him not have Permission to be entertained for a long Time.* geleonfe butôn, I translate, *without Pay.*

9. [c] If a Man give Freedom to a Slave at the Altar, let the Family be free; let him take his Liberty, [d] have his Goods, and a [e] Weregeld, and Protection for all that belong to his Family [f] tho' out of Bounds where he pleaseth.

[c] Mr. *S.* read ſie for ſić, in the first Clause, and ænde for ænpe. This last may be taken either as a Termination of eſnſ, or for ⁊; and however you order it, the Sense of the Law is little affected by it.

[d] It is said, ther never were any Slaves in *Kent*, before the Conquest: This Law is a Proof of the contrary. Yet it seems to shew at the same Time, that ther were no Slaves, but what, during Servitude, had a kind of Property of their own, which was made more independent by their Manumission.

[e] The Lord, or Master, had the Weregeld due to the Slave, or any of his Family, during Servitude; upon Manumission it became their own.

[f] Slaves were confin'd within the Bounds of the Mannor, to which they belong'd. Freemen were under the King's Protection, while they travel'd at Discretion on the Highway.

10. [g] If one that is a Slave does work at his Master's Command on the [h] *Sunday* Evening, after the going down of the Sun, till before the going down of the Sun on *Monday* Evening, let the Master make Satisfaction with eighty Shillings.

[g] Mr. *S.* read ęrne for ęrhe, hære for hæpe, re ðnihtne for ðe ðn——

[h] 'Tis obvious to observe, that *Sunday Evening*, here signifies what we now call *Saturday* Evening, and *Monday* Evening what we now call *Sunday* Evening; and this is according to the Scripture Account; *For the Evening and the Morning were the first Day*, &c.

11. [i] If a Slave on this Day doth [work] of his own Accord, let him make Satisfaction for it with his Master, with six Shillings, or with his Hyde.

[i] Mr. *S.* here read, þæt for ræt, and turns ðeþ hit nabe, *proprio motu id fecerit*, in both which I follow him. Sir *H. S.* translates the Phrase last mention'd, *itineraverit*. See this Phrase again, *Law.* 16.

12. If a Free [k] Servant [do this] at the Time forbidden, let him incur the Penalty of the [l] Healsfang; and let the Man [m] who apprehends him, have the Mulct and the Work.

[k] I read þeop for þonne. And if this Reading be not allow'd, and þonne be a mere Expletive, yet this must, I conceive, be the Sense of the Law.

[l] I retain the Original Word, because the Sense of it is not certain. It is certain that it signifies a Neck-catch; but whether a Pillory, which a Man might suffer without Diminution of his Freedom; or a Collar, which was the

the Badge of perpetual Slavery, is not so certain; but I incline to the latter. Loss of Freedom was a frequent Punishment among the *Saxons*; and this was the Punishment assigned to the Breach of the Lord's-Day. See *Law Ine* 3. to which *Somner* here refers, which shews that he was of the same Opinion. See also *Law* 15. below, and my Note upon it.

m *Qui fundi Dominus fuerit*, says Mr. *S.* but I rather choose to read aþæriɜ, as one Word, as Sir *H. S.* did, if we may judge by his Translation. Further, I read þeonc, not þeone, and I suppose this Sentence to refer to the three foregoing Laws. See *Law* 15.

13. If a Husband, without the Knowledge of his Wife, make an Offering to a Devil, let him incur the Loss of all his Possessions, and also the Heals-fang. If both make an Offering to a Devil, let her incur the Heals-fang, and [the Loss of] all her Possessions.

14. If a Slave make an Offering to a Devil, let him make Satisfaction with six Shillings, or with his Hyde.

15. [a] If a Man give Flesh to his Servants on a Fasting-day, [b] let him redeem [himself from] the Heals-fang, by making his Servant free.

[a] Mr. *S.* read, ꝼriɜe for ȝriɜne, and hyrum for heorum, or þe— This last makes little or no odds.

[b] Sir *H. S.* omits healſ-ꝼanȝ alyre, in his Translation. Mr. *S.* turns this Clause, *Servus liber exeat*, [*herus*] *pretio collestrigii id redimat.* But this inflicts a double Punishment on the Master, which was more than was done for Breach of the Lord's Day, *Law* 10. But what is intimated in Mr. *Somner*'s Translation, *viz.* That the Heals-fang often denotes the known Price for buying off that Punishment, is certainly true. The settled Mulct in this Case, was, I think, sixty Shillings: This explains *Law* 12. The Mulct there mention'd, and whereof he that apprehended the Offender was to have half, seems plainly to have been the Money paid for buying off the Heals-fang.

16. If the Servant eat [Flesh] of his own accord, [let him forfeit] six Shillings, or his Hyde.

17. Let the Bishop's Word, and the King's, be valid, without an Oath.

18. [c] Let the Senior of a Monastery vouch for himself, with the Vouchment of a Priest. Let the Priest purge himself by his own Veracity, by saying thus in his Holy Vestment, before the Altar, *I say the Truth in Christ, I lie not.* Let the Deacon purge himself in the same Manner.

[c] By this it appears, that all Heads of Monasteries were not Priests. See *Answ. of Ecgb.* 7. 11, &c. 740. and *Can. of Cloves-hoo*, 5. 747. This is to be understood of Heads of Monasteries, and Priests charged with any Crime. See *Law* 3. above.

19. Let the Clerk purge himself with four of his Equals, and one with his Hand on the Altar, the other standing by to [d] bow at the Oath.

[d] *Sax.* abycgan q. abigan, or abugan, they bowed, or stood in a devout Posture, to shew that they joined in the Oath.

20. Let the [e] Earl purge himself by his own Oath on the Altar, as likewise the King's Thane.

[e] I have venur'd here to put ȝeriþ for ȝeþo. Not but that *Guests*, or *Strangers*, were by other old Laws permitted to purge themselves by their own Oaths, but because the Person, to whom this Privilege was granted, is here placed before the King's Thane; whereas when the Laws grant this Privilege to Strangers, the Cause of it is hinted, *viz.* That they were poor and friendless.

21. Let the common Man [purge] himself by four of his [f] Equals, at the [g] Altar, and let the Oath of all those be valid. [h] Then is Ecclesiastical Vouchment right.

[f] heapoð-ȝemacan, Sir *H.S.* turns, here and *L.* 19. *demisso capite*, by Mistake.

[g] My Reader will observe, that all these Oaths of Purgation

gation were made by laying Hands on the Altar; they observ'd the like Form in taking Oaths concerning Temporal Matters of Moment; and therfore even in their greatest Courts of Judicature, they did not always absolutely determine Matters; but left them to be decided by the Oaths to be taken at the Altar of the Bishop's Church, or at some other Great Monastery. The Church of *Canterbury* being the chief, therfore *Gerv. Dorob.* says, that there the Archbishop determin'd such Controversies, as could not be decided in the King's Court. See *Somn. Gloss. Suth-dure*; and *Dister's Epist. p.* 80. Sir *H. S.'s Conc. Vol.* 1. *p.* 334, 335. The Privilege of giving such Oaths, was sometimes granted to Monasteries, by Royal Favour.

[h] Mr. *S.* had restored these Words to this Law, whereas Sir *H. S.* prefixes them to the 22. but Mr. *S.* deletes what he had written to this Purpose.

22. If a Man impeach a Servant of the Bishop, or of the King, [i] let him purge himself at the Reeves Hand; or let the Reeve purge him, or deliver him to be scourged.

[i] Mr. *S.* translates this, *in manum præpositi eum deducat*; but cænne, certainly signifies to vouch, or purge by Oath, in all these Laws; therfore either the Reeve (that is, the Steward) was to administer to the Servant the Oath of Purgation, by causing the Servant to swear with his Hand laid upon his own, or, which is more probable, to be his Compurgator, by laying his Hand on the Altar together with the Servant; tho' by what follows it appears, that the Reeve's Oath alone was sufficient. But by this, and the 24th Law, it should seem, that Servants were not allow'd to be Compurgators to each other. Here again, Mr. *S.* crosses out Sir *H. S.'s* Translation.

23. [k] If one impeach a Servant of God, being a Man of their own Convent, let his Lord purge

 him

[k] Mr. *S.* read Gobes þeorne, not Gebes þeurne, as Sir *H. S.* maþe is to be read in aþe.

him upon his single Oath, if he be a [a] Communicant: If he be not a Communicant, let him have another good Voucher with him, at [taking] the Oath: Else let him deliver him to be scourged.

[a] Mr. *S.* turns husl-- ȝenȝa, *Pater familias*: But he crossed it out again, when he was better informed. See the next Note. æþa is used in the Laws of *Lothere* and *Eadric*, for a Voucher or Compurgator.

24. If a common Man's Servant impeach the Servant of an Ecclesiastic, or an Ecclesiastic's Servant the Servant of a common Man, [b] let his Master purge him upon his Oath.

[b] It can't be supposed, that a Servant shou'd have the Privilege of a Priest, or a Thane, that is, to be purged by his own Oath; therfore I conceive it was the Master's Oath by which the Servant was to be purged; and by Parity of Reason in the foregoing Law, the Monk, *tho' a Servant of God*, was not to be purged upon his own Oath, but by the Oath of his Abbot. And perhaps all Abbots that were Laymen were not Communicants.

25. [c] If a Layman be slain in [committing] Theft, let him lie without a Weregeld.

[c] Here I follow Mr. *S.* and the Words seem uncapable of any other Sense.

26. If a Freeman be taken with stolen Goods upon him, then let the King command one of these three Things; either that he be put to Death, or sold beyond Sea, or ransom'd for his Weregeld. Let him that takes and [d] overpowers him, have half [the Value of] him: If [e] he be killed, let seventy Shillings be paid [f] them.

[d] Mr. *S.* read ȝeranȝe, but ȝeȝanȝe seems the most apposite Word; yet the Difference is not great.

[e] *Comprehensor*, the Thief-taker, says Mr. *S.*

[f] *Viz.* The surviving Relations, or Family of him that is slain.

27. If

27. If a Slave steal, [g] he may be ransom'd for Seventy Shillings, [h] or sold beyond Sea, whithersoever the King will. If he be slain, let half [the Value] of him be paid to the Owner.

[g] ⁊ here seems perfectly superfluous, or else it may be turn'd, *yet*. Read twice him mon, for himan.

[h] Sir *H. S.* hath omitted the following Words in his Text, *viz.* oþþe oren ðæ ȝelle, which Mr. *S.* hath supply'd.

28. If a Far-comer, or Stranger, go out of the Road, and neither scream, nor [i] blow a Horn, he is to be [k] condemned for a Thief, either to be put to Death, or ransomed.

[i] Blare, *Somn.* not blaþ.

[k] *Sax.* to þnoman, which Mr. *S.* thus explains, *pro fure (id est ut furti suspectus) in quæstionem vocandus, vel furti arguendus est*; and deleting Sir *H. S.*'s *relegandus* (as he in Justice did) he instead thereof says, *redimendus, vid. Leg. Inæ* 20. *absolvendus liberandus, secundum negotii eventum, vel pro quæstionis exitu.* But I take the Words of the Law to be peremptory, that the Traveller, for this Omission, is to be proved, convicted, or condemned as a Thief.

N. B. This, and some other Laws, are indeed meerly Temporal; but because the main of them were concerning the Church, and Religion, therfore I was willing not to part these few Civil Laws, from their old Company, and have given my Reader the whole Body of them. And tho' I can't answer for the Exactness of the Translation as to every Punctilio; yet I may dare presume to say, That as to the main, the Reader has the Sense of the Law-makers. Our Countryman Mr. *Lambard*, who first published the other Saxon Laws, yet never attempted the most ancient of them, and those which were first made for the Government of his own native Province, and *quondam* Kingdom; or if he did attempt it, yet never perfected his Enterprise. Sir *H. S.* published these Laws of *Wihtred*, and three of King *Ethelbert*'s. *Laet* of *Antwerp* translated all the 89 Laws of *Ethelbert*, and the 16 of *Lothere* and *Eadric*, which were publish'd by Dr.

PREFACE.

Dr. *Hicks*, in his *Dissert. Epist.* from a Copy belonging to the Right Reverend the present Bishop of *Lincoln*. I wish the Possessor of them wou'd give us a more perfect Translation than that of *Laet:* No Man can do it better. I thought fit to give these Laws of *Wihtred* an *English* Version, and insert them in this Place, as being a very notable Specimen of the Piety of our Ancestors, when they were first growing into Civil Life.

A. D. DCCXXV.

Laws of Satisfaction, for Violation of Orders.

PREFACE.

After the Laws of Wihtred, *in the* Text. Roff. *stand these Rules for Satisfaction to be made by those who violated Holy Orders, by killing or laying violent Hands on Clergy-men; by which it seems probable, that* Ernulf, *who was the Compiler of that* Textus, *took it for a Work of this Age. I am sensible that* John Brompton, *and others, place these Rules after the Laws of King* Ethelstan, *in the Tenth Century: And it is probable that they might then be re-enacted, and that they were the* English *Law in Cases relating to this Subject, till the Pope took the Affair into his own Hands, in the Tenth or the Eleventh Century. They might be made in the Council of* Berghamsted, *tho' not, perhaps, on the same Day, or Session, that the other were; or they might be made in some of the following Years of* Wihtred's *Reign, and afterwards be received in other of the* English-Saxon *Kingdoms, by the Influence of* Brihtwald, *or his Successors*

cessors in the Sea of Canterbury, *and at last by the whole united Kingdom of* England. *However, for want of a certain Date, and to distinguish them from all other Laws and Constitutions, I place them in the last Year of King* Wihtred, viz.

A. D. DCCXXV.

THE Gifts of the Holy Spirit are sevenfold, *Sax.* and ther are seven Steps of Ecclesiastical Degrees, or of Holy Orders, and God's Servants ought seven times every Day to praise God in the Church, and earnestly to interceed for all Christian People, and it does in strict Justice [a] concern all the Friends of God, that [b] they love and honour God's Church, and to give Peace and Protection to God's Servants; and let him [c] who hurts them in Word or Deed, with Diligence make Satisfaction sevenfold, in Proportion to the Deed, and according to the Order [of the injured Person] if he desires to merit God's Mercy.

[a] Mr. *S.* here expressly alledges the *Text. Roff.* and corrects ȝebnȝeþ, by writing ȝebineþ.

[b] hy, not by.

[c] þe, not pe.

1. For whatever is consecrated, Orders, [d] and God's hallow'd House, ought diligently to be honour'd, for the Fear of God. And if ther be [e] Loss of Life,

[d] Sir *H. S.* puts the foregoing Words of this Paragraph to the End of the former: Mr. *S.* rectifies this, and for aman, read, man.

[e] It is to be observed, that the Weregeld for the Priest, or Clerk, was originally according to his Birth, without any Regard to his Order; now to make some Difference between the Murder of one in Orders, and of a common Man, these Rules were provided:

1. The first Order was that of the Ostiary: 1 *l.* over and above the Weregeld, was to be paid for the Murder of him.

Life, then let Satisfaction be made with one Pound, for [the Violation of] Orders in the first Degree, over and above the Weregeld [of the Person murdered] and let the Matter be compounded with Religious Satisfaction.

2. And let two Pounds be paid as Satisfaction for violating Orders in the second Degree, if there be Loss of [f] Life, over and above the [g] Weregeld, together with Religious Shrift.

2. The second Order was that of the Lector: 2 *l.* was to be paid for his Murder, over and above the Weregeld.

[f] Mr. *S.* read ꝥeonh, not ---onþ.

[g] And þene æt þam, not æt ꝥæn þam.

3. And if it be a full Violation of Orders in the third Degree, let the Satisfaction be three Pound, over and above the Weregeld, beside [h] Religious Shrift.

3. The third Order was that of the Exorcist: 3 *l.* was to be paid for his Murder, over and above his Weregeld,

[h] M. *S.* read, mid bocunban, not unȝoɔc----

4. And if it be a full Violation of Orders in the fourth Degree, four Pound, over and above the Weregeld, [i] [beside Religious Shrift.]

4. The fourth Order was, that of the Acolyth, for whose Murder 4 *l.* was to be paid, *&c.*

[i] This is omitted in the *Saxon*, but is in the Latin, and Analogy requires it.

5. And if it be a full Violation of Orders in the fifth Degree, five Pound, beside Religious Shrift.

5. The fifth Order was that of the Sub-Deacon: For whose Murder 5 *l.* *&c.*

6. And

6. And if it be a full Violation of Orders in the sixth Degree, let it be six Pound Satisfaction, beside Religious Shrift.

6. The sixth Order was that of the Deacon, for whom 6*l.* &c.

7. And if it be a full Violation of Orders in the seventh Degree, let it be seven Pound Satisfaction, beside Religious Shrift.

7. The seventh Order was that of the Priest: For whom 7*l.* &c. If a Bishop were murder'd, the Case was singular, and the Mulct, Penance, or other Punishment, was determin'd by publick Consultation.

And when Orders are violated in part only, let diligent Satisfaction be made in Proportion to the Fact. Just Doom must be according to the Fact, and [a] Moderation, according to the Condition [of the Offender] [b] both in Regard to God and the World.

[a] For meðennige, *S.* read, meðemige.

[b] *Both in Regard to God, and the World:* Is a Phrase frequently used in the Saxon Laws and Monuments, and signifies, *Both in Regard to the Spiritual, or Ecclesiastical, and the Secular, or Temporal Jurisdiction.* And for most Crimes Men were answerable to both.

One Share of Satisfaction made for [Violation of] Orders, belongs to the Bishop, a second to the [c] Altar, a third to the [d] Fraternity.

[c] For the Support, Adornment, and Furnishing of all Things for the Service of that Altar, at which the murder'd Clergyman attended. But certainly it was contrary to Primitive Custom to apply the Price of Blood to such Uses.

[d] Whether voluntary Gilds, or Fraternities, were yet in Use, I dare not say; but in After-Ages, if not now, Clergymen combined with Clergymen, Monks with Monks, and many Monasteries enter'd into mutual Assurances with each other, to promote the Spiritual and Temporal

Temporal Good of every single Member, both living and dead, and for this Purpose held frequent Assemblies; nay, Clergymen and Laymen of all Ranks entred into Associations for the same Purpose; and this continued after the Conquest. If ther were now no such Fraternities, then this Rule must be understood of the Bishop's Family, the Monastery, College, or lesser Church to which the murder'd Clerk belong'd: And I conceive ther were few Churches but what had a Number of Clerks, if not of Priests, attending in it in this Age. See the Year 940.

A. D. DCCXXXIV.

A succinct Dialogue of Ecclesiastical Institutions, by the Lord ECGBRIHT, Archbishop of *York*.

PREFACE.

PAulinus *converted the* Northumbrians, *and became the first Archbishop of* York, A. D. 625; *but upon the Death of his Patron, King* Edwin, *in the Year* 633, *he was forced into* Kent, *by the Invasion of neighbouring Princes, and contented himself with the Bishoprick of* Rochester, *for the eleven remaining Years of his Life. After him ther was a Succession of eight Bishops of* York, *who enjoy'd not the Dignity of Metropolitans, nor received any Pall from* Rome. *In the Year* 734, Ecgbriht *was consecrated to this See, and procured the Pall, tho' not without considerable Difficulty, and exercised the Authority of a Metropolitan, for*

above

bove thirty Years together: His Brother Eadbyrht *eigned King of* Northumberland, *during a considera-le Part of this Time. Yet ther is Reason to believe, hat his Superiority in Knowledge gave him a greater Reputation than the Eminence of his Birth.* Bede, *ndeed, tho' but a Monk, and Priest, very much ex-eeded him in this Respect; but he died soon after* Ecgbriht's *Accession to the See of* York, *tho' he lived ong enough to write him a Letter of Advice, upon his Advancement to the Metropolitical Chair; and then her was none, probably, in* England, *that equal'd him n Learning: And indeed, all Orders of Men were scan-dalously illiterate; which made* Ecgbriht *seem a Prodi-gy.* Alcuin, *one of the greatest Men in the next Age, calls him his Master, and desires* Charles the Great, *then Emperor, to send young Men to* York, *to tran-scribe the Manuscripts left there by him.*

It cannot with any Certainty be said what was the Occasion of his writing and publishing the following Dialogue: What seems most probable, is, that some one, or more Bishops had drawn up the Questions, with a Design to propose them to a Provincial Synod, or ra-ther to a National one, as one wou'd think by the last Question: These were put into Ecgbriht's *Hands, to the end that he might procure a publick, authorita-tive Answer to them, in a Council assembled for this Purpose: But he either not being able to obtain a Council, or thinking it to little Purpose to ask the Ad-vice of other Bishops, in Points which they so little understood, resolves to answer them himself, and re-turn'd the Answers, with the Questions prefix'd, to the Hands from which he had receiv'd the Enquiries: And this he did, probably, before he had obtain'd his Pall from* Rome, *for he does not speak with the Authority of a Primate, for which Reason I place them in the first Year of his Consecration. If these Questions had actually been laid before a Synod, ther is little Reason to doubt but the Answers would have been much the*

same

same with these of Ecgbriht: *For one or two such extraordinary Persons carried all as they pleased in the Ecclesiastical Assemblies of this Age; therfore I look on this Dialogue and his Excerptions, to be of little less Authority, than if they had received a Synodical Sanction. However, the Answers will give us considerable Light into the Notions and Practices of a very dark Age: And we have no Reason to doubt, but that they are genuine, tho' they have suffer'd much thro' the Injuries of Time, and Transcribers. They were first publish'd at* Dublin, *by Sir* James Ware, *in the Year* 1664. Inter Opuscula Bedæ.

A. D. DCCXXXIV.

ANSWERS of ECGBRIHT.

PREFACE to Ecgbriht's *Answers.*

Lat. IN the Front of this Writing, we beseech your venerable Sanctity to receive with a grateful Mind, and an edifying Charity, whatever Directions, attested by Sacred Books, we give you, in Relation to the Pontifical Care; and if any of them are acceptable to you, let them be confirmed with the Hand-writing of you my Brother. But if any of them seem disagreeable to you, do you, as a discerning Reader, insert what you think more to the Purpose. And after the Information, which we now send you in Writing, we desire the Advice of Your Beatitudes Letters; that by thus exchanging of Parchments, we may be knit together in Charity, and in the same Sentiments. And that you, my Brother, may make a more certain Judgment, we lay before you at once the Questions and the Answers.

I. *Question.*

I. *Question.*

Of what Availment is the Oath of a Bishop, Priest, Deacon, or Monk in Case of Necessity.

Answer.

Let the Orders aforesaid have the Privilege of verifying Matters upon Oath, according to the Degree of their Dignity; the Priest after the Rate of [a] 120 Plough-lands; the Deacon after the Rate of 60; the Monk after the Rate of 30: But this is [meant] of Criminous Cases. Further, when a Dispute arises concerning the Bounds of Lands, the Priest, by his own Attestation upon Oath, may convey to the Right of the Church one Plough-land; the same is allow'd to two Deacons; and the Testimony of three Monks is sufficient to the same Purpose.

[a] Our Fore-fathers gave Credit to the Oaths of Men, in Proportion to the Estates, of which the Deponents were possess'd: In *Northumberland*, according to their real Estates; in other Parts of *England*, according to their personal Estates in Money, (as we shall hereafter see in the *Saxon* Laws) tho' it is probable, that when they rated a Man at so many Shillings, or Pounds, they might value his Lands, as well as his Goods and Chattels.

II. *Question.*

Whether a Priest [or] Deacon may be Witnesses of the last Words of dying Men, concerning their Estates?

Answer.

Let him take with him the two, or three, by whose Testimony every Word may be establish'd; lest the Kindred of the Deceas'd, out of Covetousness, contradict what is said by the Ecclesiastics, if a Priest, or Deacon, shou'd only give his Testimony.

III. *Question.*

If a Priest, Deacon, or Monk, is impeach'd for some nefandous Crime, without any evident Proof,

by what Means shall they be purged, if they are innocent?

Answer.

Since the Testimony of two or three Witnesses is to be rely'd upon, lest we should oppress him that is without Sin, by too severe a Sentence, and Innocence should be crush'd by our making a Difficulty in Relation to the Witnesses, let it be allow'd to every one who is under the [Ecclesiastical] Rule, to produce Witnesses of the Degrees of Priest, Deacon, or Monk, for the Purgation of himself, when he is accused. Two, or three of these, such as he can procure, are abundantly sufficient. Let him that wants Compurgators, thro' ——— or the Fear of the Accusers, be sufficient of himself alone, for the Defence of his own Innocence, if the Eye-sight of the Witnesses, or Children born do not prove him guilty. For it is scandalous that either the Wickedness of Priests should increase thro' Neglect; or that Innocence should be oppress'd thro' Defect of the Law: Therfore we ordain, That he who is impeach'd for any Crime, do put the Lord's [b] Cross on his Head, and testify by him that liveth for ever, who suffer'd upon the Cross, that he is clear from that Crime. And thus all Things are to be left to the Divine Judgment.

[b] It appears, that in the Province of *Canterbury*, the Oath of Purgation was to be made by laying the Hand on the Altar. See *Wihtred*'s 18th Law. Yet it is probable that *Theodore* used to swear Men on the Cross; for *Burchard* cites his *Penitential* to this Effect, *viz. He who forswears himself by the Hand of the Bishop, or by a consecrated Cross, is to do three Years Penance; he that forswears himself by an unconsecrated Cross, one Year's.* See *Petit*'s *Theod. Penit. p.* 77.

IV. *Question.*

If a Priest, or Deacon, upon Examination, be found guilty, what cautionary Means must diligent Pastors

Paſtors uſe, that when they are removed from their Office, they may not preſume to miniſter in another Dioceſe, to the Scandal of ſome?

Anſwer.

If a Prieſt, or Deacon, being [c] ejected by his proper Biſhop, for his manifeſt Crimes, preſume to miniſter in another Church, let him be expell'd by the Biſhop of that Dioceſe, as ſoon as it is known; and ſo let him not be ſettled in any Manſion of the Churches, but be always a Wanderer and Vagrant, till being humbled by long Affliction, he returns to undergo the Law of the Church.

[c] I read, *ejectus*, not *electus*.

V. *Queſtion.*

What have we to ſay concerning Sacred Miniſtrations, perform'd by a corrupt Prieſt, before he is convicted; or which he unduly performs by Uſurpation, after he has been convicted?

Anſwer.

We believe the Miniſtrations which he, being Unordained, performed, by Uſurpation of the Prieſthood, among People who were ignorant of it, ought not to be ſet aſide. While his Guilt was known to himſelf alone, he did not hurt others by badly adminiſtring good Offices. But how can any Benefit, which was not his to beſtow, be imparted to him who knew the Impediments, and that they were not at all wip'd off [d] ——— He gives, by his depraved Offices, what he has, that is, that he who partakes with him, ſhou'd incur the ſame Sentence of Excommunication. But this ought not to be underſtood of Baptiſm,

 which

[d] The following Words here omitted, as unintelligible, are, *Quam ipſe accipere poteſt damnationem, utique qui per.*

which ought not to be repeated. But other Ministrations perform'd by an unworthy Man, seem not to be valid.

VI. *Question.*

Whether a Priest, or Deacon, going away without Consent of his [e] Prior, may minister in another Diocese?

[e] This Word here seems to denote any Head of a Monastry, and it seems probable, that they had few or no Priests, or Clergy-men, in *Northumberland*, in this Age, but Monastics.

Answer.

We look on a Deserter of his own Church, as forbidden to minister in another: And that he who does so minister, should be removed from his Office, till he be reconciled to his own Church.

VII. *Question.*

If one of any Dignity whatsoever do wickedly dare to receive a Runagate Clerk, or Monk, what, beloved Brethren, do ye decree in Relation to such?

Answer.

Whatever Brother, contrary to the Prohibition of the venerable Canons, receives a Runagate Clerk, or Monk, without Pacifick Letters, and when conven'd obstinately persists in it, let him pay what is [f] appointed, *viz.* thirty [g] Sicles; fifteen to the Bishop, fifteen to the Abbot, whose Monk he receiv'd without Consent of his own Prior. Let him dismiss the Runagate, or be Excommunicate, and run the Risque of paying more. Whoever

[f] *Quod statutum est.* This plainly implies, that Laws had been made, and particularly in the Province and Kingdom of *Northumberland*, whereby Mulcts were laid upon such as were delinquent in this Case; yet *Bede* takes no Notice of any publick, Civil or Ecclesiastical, Assembly, in which a Law of this Kind could be made.

[g] See Note on the next Answer.

Whoever of those [h] Laymen who are known to preside over Monastries, receives such a Runagate, that does not belong to him, let him pay the appointed Dues, that is, ten Sicles to the King, ten to the Abbot whose Domestick he had received without Consent of the Church; and let him abandon the Runagate, or else pay as much as he did before; and afterwards let him be Excommunicated, till Satisfaction be made: That so obstinate Men, who fear not God, and despise the Sentence of Excommunication, being condemned to the Loss of part of what they have, may not attempt Things contrary to the Statutes. Let these Determinations be in Force against those Monastries of Virgins which are under the Rule.

[h] It is evident from this, and other Evidences, that Monastries were grown so rich, that great Seculars thought them too good for Ecclesiastics, and therfore usurp'd them to themselves, either as being Heirs to the Donors, or Founders, and so pretending it belong'd to them to see that the Estates were not misapply'd, or by the Prevalence of the Temporal Powers, or by direct Temporal Right, as one wou'd think by *Answ.* 11. *Bede*, in his Letter to *Ecgbriht*, laments the Profuseness of Kings, and others, in their over liberal Endowments of Monastries, and plainly saw the ill Effects of it: He advised *Ecgbriht* to convert these Abbies into Bishopricks; for he complains of the too small Number of Bishops.

VIII. *Question.*

Now let us further enquire, whether the [i] Punishment of a Monk, who hath defiled himself with a Sacrilegious Mixture, belong to those Laymen, who are nearly related to them?

[i] That is, probably, the Weregeld, or other Fine.

Answer.

The Punishment of them who offend, more or less, in the Church, belongs not to them who are without;

especially since the [a] Apostle says, that all Church Causes ought to be decided by the Priests. [b] But if any Ecclesiastics have committed any Crime among Laymen, as Murder, Fornication, Theft, it is thought fit, that they be by all means seized by the Seculars, against whom they have offended, unless the Church be pleased to make Satisfaction for them. But let not Laymen, who have sacrilegiously mingled themselves with veiled Women, be punish'd, as the Law has decreed Fornicators to be punish'd, but doubly, that is, we will, that the [c] Adulterers pay thirty [d] Sicles, or sixty Pieces of Silver to the Church; because grievous Crimes require more heavy and sharp Penalties.

[a] So 1 *Cor.* ix. 1, *&c.* was then understood.

[b] Happy had it been, if Prelates, in After-Ages, had retain'd the Moderation of *Ecgbriht*, in this Point.

[c] By *Adulterers*, is meant such as deflower'd Nuns.

[d] By this it is evident, that the Sicle was two Pence: For it is, I conceive, agreed among the best Antiquarians, that the *English* had but one Silver Piece in these Ages, and that was the Peny.

IX. *Question.*

Whether foreign Priests, or those of our own Country, may be permitted to minister any where, especially under Laymen, without the Privity of the Bishop of the Place, in whose [e] Diocese they sojourn, while they are Vagrants, not settled in the Place, or not by Pontifical Authority?

[e] *Diocese* here seems to signify the remote Part of the Bishop's Parish, where such Vagrants chose to officiate, far distant from the Bishops. See *Can. Afr.* 53, 56. 2d Part of *Vade-mecum.*

Answer.

We permit not foreign Priests, or such as were ordained at large, and go up and down in the Provinces without commendatory Letters, to minister or give the Sacraments any where, without the Privity

Privity of the Bishop of the Place. Yet what is necessary may be administred by them. But we are not willing that they should be admitted to the Ministration of Sacred Offices, without Discretion.

X. *Question.*

If any Brother, or *Sister, do sue for any thing which they esteem their own, any where but in the Ecclesiastical Judicature of the Prelates, that it may peaceably be restored to them; and in Contempt of their Bishop, make haste to obtain what they claim, in an unreasonable Manner, by Right, or Wrong, what say ye to this?

* Abbess, or Nun.

Answer.

[f] Whatever Brother, or Sister, sues for what they esteem their own, but not in the Judicature of the Priests of the Churches, but so as to obtain it by Violence of the External Powers, let them lose what they have gotten by Violence, or else be expell'd out of the Churches: Yet we intend no Prejudice to their Church. But when they after their Death have been anathematized, let all Things remain in their former State, and both Parties being conven'd, let a diligent Enquiry be made, what the most ancient and veracious say; and so let all be left to the Judgment of the Bishops.

[f] By this it shou'd appear, that the *Northumbrian* Bishops had Courts distinct from the Temporal, and that the Ecclesiastical Judicature in this Province, took the Liberty of reversing Sentences pass'd in the temporal Court. It appears that the Jurisdictions in *Northumberland* remained distinct in After-Ages. See *Law of North. Priest.* 5. This will not prove, that the Bishops did not in this Province sit in the Temporal Courts. For the Bishops in the other Province had likewise distinct Courts. See *Law of Edgar*, 961. *Numb.* 7.

XI. *Question.*

What say ye to this, that [g] some having Monastries of their own, do so unadvisedly dispose of them, that two together have Possession of a Monastery of the same Sex, or do equally divide it, if they cannot agree to hold it between them?

[g] See *Answ.* 7. It was not only by temporal Means, but by mutual Consent of the Monks and Abbots, that ther were sometimes several Abbots to the same Monastery, or one Abbot to several Monasteries. See *Bede's Vitæ quinq; Abbatum, &c.* publish'd together with these Questions and Answers. By those who had Monasteries of their own, he means, either such as by their Piety, or Management, had founded Monasteries, by procuring Endowments from others, or such as had founded Monasteries out of their own Estates: For such as these did claim a Right in the Abbies, the former as well as the latter. But *Ecgbriht* here attempts to bring them under the Regulation of the Bishop.

Answer.

Let the venerable Congregation chuse one of the two, whom they desire, to preside over them; and let him be appointed Abbot, with the Advice of the Bishop of the Place: And when he who was prefer'd is dead, let the second, who was Coheir at the first, take the Government of the whole Monastery, which was before granted to him, not in whole, but in part; but on Condition still, that he be found worthy in the Judgment of the Bishop, but if not, let such Election be null and Void: And let him who made it, consented to it, or accepted of it, be Anathema.

XII. *Question.*

If a Layman kill a Clergyman, or Monk, wou'd it please you unanimously to decree, whether the Price of his Blood be to be paid according to the Law of Birth-right, to his near Relations, or whether Satisfaction be to be made to his [Ecclesiastical] Seniors, with a larger Sum?

Answer.

Answer.

Whatever Layman kills a Bishop, Priest, or Monk, let him do Penance [h] according to the establish'd Measures, and pay the Price of his Blood to the Church to which he belong'd; for the Bishop, according to the [Decree] of [i] General Council, for a Priest [k] eight hundred Sicles, for a [l] Deacon six hundred, for a Monk four hundred Pieces of Silver, unless the Dignity of his Birth, or the Nobility of his Stock require a greater Price. For it is not just that the serving of the Holy Profession in a Supe-

[h] The Penance to be done for such Murder, is, seven Years Fasting three Days in every Week, besides *Lent*, and Vigils; according to *Bede*, *De Remed. peccator.* Which is rather believ'd to be our *Ecgbriht's*.

[i] Whether he mean a General, that is, a National Council, formerly held, which had assigned some certain Mulct to the Murderer of a Bishop, or that a Council ought to be call'd on such an Occasion, to assign it, *toties quoties*, is uncertain; but if any General Council had assign'd it, the Constitutions of it are lost.

[k] By the Laws of Satisfactions annexed to the Dooms of King *Wihtred*, seven Pound is the Mulct for killing a Priest. Now eight Hundred Sicles wants but eighty Pence of seven Pound, reckoning the Sicle two Pence, so that ten Sicles make an Ounce, and one Hundred and twenty Sicles, or twelve Ounces, make one Pound. It is not to be wondred if Money were then, as well as ever since, of somewhat less intrinsick Value in the *South*, than in the *North*, and this being considered, those Laws of *Wihtred*, and these Answers of *Ecgbriht*, do mutually support each other's Authority.

[l] The Mulct for killing a Deacon was six Pound, by the Laws of *Wihtred*; six Hundred Sicles, at the Rates aforesaid, makes five Pound; and 'tis probable, One in Six was the least of the Disproportion between the Value of Money in the *North* and *South*; therfore they in the *North* taxed the Murder of the Priest higher than those in the *South*; for they abated but eighty Pence of the Sum paid in *Kent*, and eighty Pence was but the third Part of a Pound.

Superior Degree, shou'd forfeit what they who live without, in a Lay-Habit, do notoriously claim, by Right of Parentage. But he who has not wherewithal to redeem himself for the Murder committed by him, is to be left to the King to be punish'd, lest the Murderers of the Servants of God shou'd think that they may sin with Impunity. And let this Punishment which we have inflicted on the Murderers of Priests, be in Force, in Relation to them that are Abbots without Orders; unless a Synodal College, upon more mature Advice, shall lay any of them at a higher, or lower Rate.

XIII. *Question.*

If a lawful Marriage be dissolved, by Consent of both Parties, on Account of the Impotency of the Man, or Woman, is it lawful for the sound Party (being incontinent) to marry, the impotent Party giving Consent, and promising to live in perpetual Continency? What does your Sanctity judge of this Case?

Answer.

No one acts against the Gospel, or the [a] Apostle, without Punishment, therfore we give no Consent to [b] Adultery. Yet we lay Burdens on no Man, which cannot be born without Danger, but confidently enjoin the Commandments of God: But we reserve him unpunish'd for the just Judgment of God, whose Infirmity hinders him from fulfilling [them.] Therfore, lest we shou'd seem to connive at Adulterers, or that the Devil, who deceives Adulterers, shou'd rejoice at [b] Adultery, hear further

[a] I read, *Apostolum*, not ------*lorum*. He speaks in the Primitive Style, for the Ancients call'd all the Epistles of St. *Paul*, and St. *Peter*, *The Apostle*.

[b] I read, *Adulterio*, not -------*ris*, in both these Places; and *ulterius*, not -------*toribus*, *inultum*, not *mult*.

ther, *That which God hath joined, let no Man separate*; and also, *he that is able to receive it, let him receive it*: For Necessity often breaks a Law, by reason of the Change of Times: For what did *David* do, when he was hungry? And yet he was without Sin. Therfore Sentence is not to be given in doubtful Points. But ther is a Necessity of risquing [c] Counsels, for the Salvation of others; upon this express Condition, that it be by no Means allow'd to one that hath vow'd Continency, to contract a second Marriage, the former [Wife, or Husband,] living.

[c] He seems to suppose, that the Law of not separating Parties married, was not a Commandment absolutely binding, under Pain of Damnation, in all Cases, but a *Counsel*, in the Sense of the Schoolmen; that is, not necessary to Salvation, but to Perfection. *Theodore* was also very loose, as to the Point of Matrimony.

XIV. *Question.*

If any Layman declare a Clergyman, or Monk, to be under some Blemishes, which he formerly contracted, while he was under a Lay-Habit, and to which he has not yet put an End, either because he was not able, or because he formerly, and to this very Day, hath dissembled, and conceal'd it; and if he now sticks by the Church with great Solicitousness and Importunity, what say ye to this?

Answer.

Whatever Secular Man desires to undertake the Service of the Holy Profession, and answers, when he is ask'd, that he is not of a servile Condition, that he has not [d] committed Murder publickly, without having made Satisfaction for it, and that he

[d] This must be meant only of Monks, for Murderers might take that Habit, because it was said, their whole Life was one continued Penance; but no Criminal was ever allowed to be Ordained.

he is possess'd of nothing which does of Right belong to another, let him [be sure] that he owes nothing to any one but to God, whose Servant he is, for the Guilt of former Sin. But if he deceiv'd the Church, and fraudulently conceal'd his Crime, it is resolved, that the Church have Power to dismiss him, or, if she please, to make Satisfaction for his Crime. But we desire, that they who are in this Condition be [e] torn from the Church-Doors by Force, and that no Time, for the future, be allow'd to the Church to abscond such as are guilty, after the Day of Trial. But they are to be dismiss'd without Hurt, or [f] Blows, that Reverence may be paid to God. For the Temple is an House of Propitiation, not a Den of Thieves. (Read the Dedication of *Solomon's* Temple.) But if he had offered any Things to the Church, let the Priest restore them, that he may have wherewithal to redeem himself.

[e] This is to be understood, upon Condition that the Church will not satisfy for their Crimes. But how could Monks be torn from the Church, when that was a Sanctuary for all Criminals? I answer, it was a Sanctuary for such as acknowledged their Crimes only; and therfore came to the Church as Criminals, not as Devotees, as the Monks in this Case are supposed to have done. Happy had it been, if *Becket*, and other great Prelates, in After-Ages, had not absolutely refused that Power of punishing criminous Monks, and Clerks, to the Civil Magistrate, which *Ecgbriht*, with a true Christian and Priestly Spirit, not only allows, but desires that it might be exercised.

[f] I read, *verberibus*, not *verius*.

XV. *Question.*

What are the Crimes, for which no Man can be made Priest, and for which he who has formerly been Ordained, is to be Deposed?

Answer.

Answer.

The Ordination of a Bishop, Priest, or Deacon, shall be accounted Valid, in Case he prove clear of all grievous Crimes, if he have not had a second Wife, nor one deserted by her Husband, if he never did publick Penance, and be not maimed in any Part of his Body, if he be not of a servile Condition, and disengaged from all Obligations of bearing Civil Offices. And if he be literate, such an one we chuse to be promoted to the Priesthood. It is unlawful to Ordain any Man on the Account of these Blemishes. And for these we declare, That those already promoted are to be deposed; that is, worshipping of Idols, giving one's self captive to the Devil, being Conjurers, Diviners, Inchanters, violating Faith by false Testimony, defiling one's self with Murder, Fornication, committing Thefts, violating the Holy Name by presumptuous Perjury. And they ought not to obtain the Favour of [Lay] Communion, without publick Penance, nor to recover their former Dignity [by doing Penance:] For it is not allow'd by the Church, that [publick] Penitents should minister sacred Offices, as having formerly been Vessels of Vice.

XVI. *Question.*

Of the four Ember-Weeks.

g Do ye explain to us, by an unanimous Sentence, whether the establish'd Fasts of the first, fourth, seventh, and tenth Month, are to be celebrated in the Beginning of those Months, or at other Times; and by whose Authority, and in what Manner, and for what Causes they were instituted, that so they may be uniformly kept in every one of your Sees, and in the Church of the *English*?

g Ther is a great Uncertainty, as to the precise Weeks when the Ember-Days were observed of old. The forged Epistle of *Calixtus* mentions three Fasting Times observed of Old, and adds a fourth, to be observed for the future;

future; but mentions not the certain Weeks, when they were to be kept. Our Council of *Cloves-hoo* seems to say, that *Gregory* the Great enjoined but only the Fast of the fourth, seventh, and tenth Month, *c.* 18. yet *Ecgbriht*, *Art.* 1. says that he did direct the *Lenten-Ember* to be observed. Pope *Leo*, *A. D.* 442. speaks of four, but mentions not the certain Weeks, except *Pentecost* only. *Distinc.* 76. *c.* 6. *Gelasius*, *A. D.* 493. mentions the Fast of the fourth, seventh, and tenth Month, another at the beginning of *Lent*, and in the middle of *Lent*. The Council of *Mentz*, *c.* 13. orders the first to be kept in the first Week of *March*, the second in the second Week of *June*, the third in the third Week of *September*, the fourth in the fourth Week of *December*. *Durandus* mentions this Practice, *l.* 6. *c.* 134. The Council of *Salegunstadt*, in the same Diocese, *A. D.* 1022. directs the Fast to be kept the second Week in *March*, if the first Day fall on any Day of the Week after *Wednesday*, or on *Wednesday*; if on any Day before, then in the first Week; if on *Thursday*, *Friday*, or *Saturday*, then on the third Week; and the second Fast on the second Week of *June*, if the first Day of *June* fall on a *Wednesday*, or any Day in the Week before *Wednesday*, else in the third Week; but if *Whitsun*-Eve fall in this Week, then the next to be the *Ember*-Week: And the third Fast in *September*, to be on the third Week of that Month, if the first Day of *September* fell on *Wednesday*, or before, else on the fourth Week; and that the fourth Fast be kept so that the *Ember-Saturday* be the *Saturday* before *Christmas*-Eve. The Council of *Clermont*, *A. D.* 1095. ordered the first to be on the first Week of *Lent*, the second in *Whitsun*-Week, the third in the entire Week next before the Autumnal Equinox; the fourth in the entire Week next before *Christmas*: And they must mean the same, who speak of the fourth Week in *December*, as *Ecgbriht* here does, *Art.* 4. or else they must mean the fourth Week in *Advent*, and even then ther will be no fourth Week, but that the *Saturday* will fall on *Christmas*-Eve, and this is contrary to Rule.

But 'tis observable, that none of these Popes, or Councils, take Notice of the *Ember*-Weeks as Times of Ordination, except *Gelasius*; nor does *Ecgbriht*, in his Answer, mention them as such. It is said, in the Life of

Anterus,

Anterus, in the *Liber Pontificalis*, that *December* was of Old the only Time for this Purpose; and I cannot discover when the *Ember*-Weeks were first settled in the present Course. *Alexander*, 3 *Decretal. L.* 1. *Tit.* 11. *c.* 2. mentions the *Ember*-Weeks as Times of Ordination, but does not settle the Weeks. See the Assument which I have added to these Answers.

Answer.

Because the World consists of four Quarters, *East*, *West*, *South*, and *North*; and Man is compounded of four Elements, Fire, Air, Water, and Earth; and the Mind is govern'd by four Virtues, Prudence, Temperance, Fortitude and Justice; and the four Rivers of Paradice, as Types of the four Gospels, water the whole Earth; and the Year turns on the four Seasons, Spring, Summer, Autumn and Winter; and this Number, four, is on all Hands acknowledged to be the Number of Perfection; therfore the Old Fathers instituted the four *Ember*-Weeks, according to God's Law; as also Holy Men, and Apostolical Doctors, have done now under the New-Testament.

I. *Article.*

The Lord said unto *Moses*, concerning the first Month, [h] *This Month shall be unto you the beginning of the Months of the Year.* And again the Lord said unto *Moses*, *Observe the Month of First-fruits, when ye came up out of the Land of* Egypt, *as an Ordinance in your Generations.* Which Fast the Holy Fathers appointed to be observed in the first Week of the first Month, on the *Wednesday*, *Friday*, and *Saturday* [only,] unless it be in the *Lenten* Days. But we, in the Church of the *English*, do commonly keep this Fast of the first Month, in the first Week

h *Ecgbriht*'s Application of the Texts of the *Pentateuch* here, are very surprizing, and extraordinary, but especially in the 2d and 4th *Art.*

III. *Article.*

The third Fast, of the seventh Month was enjoined of God by *Moses*, saying, *Speak unto the Children of Israel, and thou shalt say unto them, the tenth Day of the seventh Month shall be called Holy, ye shall humble your Souls in Fasting: Every Soul that is not afflicted on this Day, shall perish from among his People.* Therfore this Fast is celebrated in the Church, according to ancient Custom: Or because the Days decrease, the Nights increase: For by the Defect of the Sun, and the Growth of the Night, our Life appears to decline by the Approaches of Death; which Death, at the Judgment and Resurrection, shall be retrieved to Life: And if the End of our Life be intimated by the lessening of the Days, and the Approach of Death by the Increase of Night, we think it necessary for the Remembrance of so great a Mystery, that we afflict our Souls, every Year, as we read the Children of *Israel* did at this Time, by fasting, not only from Meat, but from all Contagion of Vice, attending to the Doctrine of the Gospel, *Walk, while ye have the Light, lest the Darkness overtake you, and the Night come, when no Man can work.* The Church of the *English* uses to celebrate this [Fast] in the entire Week before the Equinox, [a] without any Regard to the Computation of the third Week.

[a] See Note the first, on Question to this Answer.

IV. *Article.*

The fourth Fast was kept by them of old, in the Month of *November*, according to the Precept of the Lord by *Jeremia*, saying [b], *Take the Volume of the Book, and write therein all the Words which I have spoken against Israel, and Juda, and it came to pass in the ninth Month, they proclaimed a Fast be-*

 fore

[b] *Chap.* xxxvi. 2, 9.

fore the Lord, to all the People of Jerusalem. Therfore by this Authority of the Divine Scriptures, the Catholick Church has taken a Custom to celebrate a Fast in the tenth Month, in the fourth Week, on Account of the Approach of the venerable Solemnity of our Lord Jesus Christ, before which, Continency of the Flesh, and Fasting, is to be observed for several Days. (That every faithful Man may prepare himself for the receiving the Communion of the Body and Blood of Christ with Devotion,) which the Nation of the *English* hath been always used [to do] in the entire Week before the Nativity of our Lord. [c] It is said, she kept a stated Fast, not only on *Wednesday*, *Friday*, and *Saturday*, but for twelve Days together, in Abstinence, Watching, Prayer, and giving of Alms, both in Monasteries, and among the common People, before the Nativity of our Lord. For this Custom (thanks be to God) grew up in the Church of the *English*, and was holden from the Times of *Vitalian* the Pope, and *Theodore* Archbishop of *Canterbury*, that not only Clerks in the Monasteries, but also Laymen, with their Wives and Families, went to their Confessors, and cleansed themselves with Tears, and [Abstinence] from all Indulgence of Carnal Lust, and with giving of Alms, on these twelve Days; that so they might with the greater Purity be Partakers of the Communion of the Lord on his Nativity. [d] For beside these establish'd Fasts, very many fasted [every] *Wednesday*, and *Friday*, on Account of Christ's Passion, and [every] *Saturday*, for that he on that Day lay in the Grave.

[c] This is a very perplext Sentence. I make a full Stop at *consuevit*.

[d] I suppose these Words explain what he had said before, concerning the Fast on *Wednesday*, *Friday*, and *Saturday*, throughout the Year.

I thought

I thought it seasonable here to subjoin a much more clear Account of the Ember-*Weeks, which* Ecgbriht *himself (I conceive) gives, in his Chapter* De jejunio quatuor temporum, *among the* Formulæ veteres, *which follow after his* Excerptions, *in the* Cottonels. *He begins, by observing that ther are four Seasons of the Year, in every one of which a certain Week is set apart for Fasting, by the Church; and he there also derives this Custom from the* Mosaical *Law, and then proceeds in this manner.*

The Authority of *Rome* injoins these Times thus to be observed, That in the first Month, called *March*, the *Wednesday*, *Friday*, and *Sabbath-day*, of the first Week be fasted. That in the fourth Month, called *June*, it is decreed to fast in the same manner, in the second Week. And that the same be done in the third Week of the seventh Month, call'd *September*. It is in the same manner decreed, in Relation to the tenth Month, in that same Week which is next before the Nativity of our Lord. But [e] St. *Gregory* injoined these Fasts thus to be publish'd to the Nation of the *English*: The first Fast is in the first Week of *Lent*. The second Fast is in *Pentecost* Week. The third Fast is in the full Week before the *Autumnal Equinox*. The fourth Fast is in the full Week before our Lord's Nativity. On these *Sabbaths*, when all the People are met at Church, the Ordinations of Clerks ought to be performed, that while their Ordination is done before the People, their Reputation may be examin'd under the Testimony of

[e] These Words seem plainly to be understood of *Gregory the Great*, and of the Provision which he made on this Head, for the *English* Church. I know *Gregory* the Seventh regulated the *Ember*-Weeks, but he is said only to have *restored* the just Observance of these Times: And he was no Saint.

all; [f] and I beseech you, Brethren, devoutly to observe these Fasts; and know, that not only these Fasts are to be observed, but all the Days going [g] before the Vigils of the famous Festivals, are to be kept with Fasting. And in the Days of your Fasts, dearest Brethren, do not stir up Strife, Dispute, Scandals.

[f] The following Words seem to be *Ecgbriht's*, or to have been added by some of his Successors.

[g] The Vigils here are not supposed to begin till the Even-tide.

A. D. DCCXL.

ECGBRIHT'S Excerptions.

PREFACE.

THE following Canons are called the Excerptions *of* Ecgbriht; *and I see no room to doubt of his being the first Founder of this Work; and tho' great Alterations have been made in it, yet they seem to have been made not long after the Age of* Ecgbriht. *In Truth, this Collection looks like* a Code of Canons for the Province of *York; which the Successors of* Ecgbriht, *or others, augmented, curtail'd, and transposed at Discretion. It is well known, that* John *of* Antioch *made a Collection of Canons for his own Patriarchate,* Martin *Archbishop of* Braga, *for his own Province,* Crisconius *an* African *Bishop, for his own Diocese: And these have come down to us without any notable Corruptions: But that composed by* Isidore *of* Sevil, *hath been worse contaminated than this of* Ecgbriht:

birht: *For the Forger of the ancient Pope's Decretal Epistles, inserted them into this* Isidore's *Work: Even Abbots, simple Priests, and Deacons, have compiled such Systems of Canons with Approbation; and* Bale *says, that this Collection, under the Name of* Ecgbriht, *was made by* Hucarius *the Levite, (Deacon, I suppose) who was* Ecgbriht's *Amanuensis.*

I follow Sir H. S.'s *Edition so far as he goes, excepting some necessary Emendations. The Numbers are not in the MS. but were added by Sir* H. *I have followed him in these too, to Canon* 141, *which I divide into two, and so am one before him, in the four following Canons, which are the last in his Edition. Sir* H. *mentions a MS. Copy of these* Excerptions *in the* Cotton-*Library; but a Learned Friend of mine can find no Copy there, but that from which Sir* H. *published his Impression in the Book* (Nero, A. 1.) *nor does Mr.* Wanly *mention any other there. Sir* H. *intimates his Suspicion that he was imposed upon in this Point, and it seems evident he was so. This MS. has an Inscription, intimating, that* Spelman made his imperfect Publication from this Book. *It would be much for the Credit of his Edition, if ther had been another MS. in that, or any other Library, so nearly resembling that which he published, and which he published from a Book which he calls his own, tho' it be now in that publick Repository.*

The Reader will not wonder to see several Canons upon the same Head, in this Collection, and these sometimes scarcely consistent with each other, when he considers that the same thing is done very often in the Corpus Juris Canonici. *Old Laws, or Canons, give Light to the New, even when contrary to them: So the Right Reverend the Bishop of* Lincoln, *hath in his* Code *published the old obsolete Laws, and Canons, in Order to give his Reader the true Aim and Intent, of those now in Force. And further, in* Ecgbriht's *Age, Primates had a very great Latitude left to them in most*

Points relating to Discipline and Jurisdiction, and, in effect, acted at Discretion. It was the Pope's Canon Law, that first laid Primates, and all Bishops, in this Nation, under precise Restrictions; and this was not compiled till about four Hundred Year after this Time: Therfore, tho' it was most reputable to act by stated Rules, yet in Cases where ther were different Rules, the Primates, and even Bishops, were to choose by which they would act, according to the various Circumstances of the Persons, and Causes which were brought before them.

Tho' I have rarely elsewhere put the Titles of the Canons into my Translation; yet here I have, because of the very singular Manner of them: They seldom mention the Matter of the following Canon, but often the Sacred Writer, Council, Father, or other Author of them; and in this too ther are frequent Mistakes committed, more (probably) than I have advertised in my Notes. For I did not think it worth the while to take much Pains in discovering such harmless Errors. But by this we may see, that they who drew them were willing to act by an Appearance of Antiquity and Authority; but they often took Things upon Domestic Tradition, or Conjecture, without troubling themselves to look into Originals. I have not placed the Titles in Lines, or Paragraphs distinct from the Body of the Canons, but immediately after the Number. And the first Full-Point in every Canon shews not the end of a Period, but of the Title: For I was willing to give my Reader the whole in as small a Compass as possible.

Sir H. S. *dates the* Excerptions *of* Ecgbriht 750. *Not that he had any greater Reason or Authority for placing them in that Year, than in any other of the thirty two of his Administration,* (viz. *from* 734, *to* 766,) *but because it was his Rule, when the Date was uncertain, to take the middle Year, and that was* 750. *But I conceive that* Ecgbriht *was fully settled in his Primacy,*

Primacy, and had Time to lay down Rules for his own, and his Suffragans and Clergy's Conduct, in six Years: And further, I was willing to put his Answers *and* Excerptions *as near to each other as I could, and since ther was no Ground for placing* Cuthbert *of* Canterbury's *Canons before these* Excerptions *of* Ecgbriht, *therfore I chose to put all this great* Northumbrian *Prelate's Canonical Works together, and therfore crave Leave to ascribe to them the Date of*

A. D. DCCXL.

The Excerptions of the Lord ECGBRIHT, Archbishop of *York*: Collected out of the Sayings and Canons of the Holy Fathers. *Lat.*

The PREFACE which begins the Canons.

WE call those Rules which the Holy Fathers ordained, and wherein is contained in Writing, how Canonics, that is, Regular Clergymen, shou'd live, *Canons.*

[a] Augustinus Aureliensis *the Bishop, says,*

[a] It seems probable, that he who first inserted the following Paragraph, wou'd have these Words esteemed a Citation from the great St. *Augustin* of *Hippo*, whose true Name was *Aurelius Augustinus.* But the Words must be of a more modern Age.

That no Priest may be ignorant of his Canons, nor do any thing that may clash with the Rules of the Fathers; and that no Excuse may be made on account of Ignorance, nor any thing be omitted thro' Forgetfulness; let this Book be used as a Place of Prospect, from whence a View may be taken of Canonical Determinations: Yet not all

Clerks, but Priests only are to [b] put in use, and [c] read Canonical Constitutions. For as none but Bishops and Priests ought to offer the Sacrifice, so neither should others put in use these Dooms.

[b] Lat. *Usurpare.*

[c] Sure the Meaning of this Writer could not be, that it was unlawful for any Clergyman to read Canons for his private Information; but rather to read them publickly as a Professor, and then it must be owned, that this Paragraph was of a much later Date than the Canons themselves.

Here begin the Excerptions *of the Lord* Ecgbriht, *Archbishop of the City of* York, *concerning the* [d] *Duty of Priests.*

[d] Lat. *De jure Sacerdotali.* It is a Saxonism. Riht signifies Office, or Duty, as well as Right. *Ecgbriht* is said to have translated his *Excerptions* into the *Saxonic* Tongue, and ther are still said to be some Fragments of them remaining. From this it is not improbable, that he published them first in that Tongue, and that this is a Latin Translation of them.

The Duty of Priests.

1. [e] An *Item.* Let every [f] Priest build his own Church with all Diligence, and preserve the Relicks of the Saints with the greatest Care, watching over them by Night, and performing Divine Offices.

[e] The first twenty eight Canons have no Title but *Item:* My Reader will pardon me that I have transcribed it but once. The CCCC MS. puts these twenty-one Canons before the Paragraph of *Augustinus Aureliensis*, and without any Title, or Division: In the *Oxf.* MS. says Sir *H. S.* they are placed before *Ecgbriht's Penitential.*

[f] From this it shou'd seem, that Parish-Churches began now to be built apace in this Province.

2. That all Priests, at the proper Hours of the Day and Night, toul the Bells of their Churches, and

and then perform their sacred Offices to God; and instruct the People how, and at what Hours God is to be worship'd.

3. That on all Feasts, and Lord's-days, every Priest preach Christ's Gospel to the People.

4. That every Priest teach all that belong to him to know how they are to offer the Tithes of all their Substance in a due Manner, to the Churches of God.

5. That the Priests themselves receive the Tithes from the People, and keep a written Account of the Names of all that have paid them; and divide them in the Presence of such as fear [God], according to Canonical Authority, and [g] chuse the first part for the Ornament of the Church, and distribute the second part to the Use of the Poor and Strangers, with their own Hands, with Mercy, and all Humility; and let the Priests reserve the third part to themselves.

[g] By this it shou'd seem, that the *Northumbrian* Episcopal Sees were well endowed; I mean, because ther is no Quota of the Tithes reserved for the Bishops, as was in some Places, many Ages after this. Yet *Boniface* says the Bishops received Tithes. *Question*, Whether this Canon was not afterwards added?

6. That every Priest do with great Exactness instil the Lord's-Prayer, and Creed, into the People committed to him, and shew them to endeavour after the Knowledge of the whole of Religion, and the Practice of Christianity.

7. That all Priests pray assiduously for the Life and Empire of our [h] Lord the Emperor, and for the Health of his Sons and Daughters.

[h] This was plainly transcribed from some Foreign Council, or Decree, without making proper Alterations,

8. That

8. That every Priest assist at the daily Prayers for the Pontiff by whom he is governed.

9. That no Priest presume to celebrate Mass in Houses, nor in any other Places, but Consecrated Churches.

10. That the [a] Rite, and Time of baptizing at proper Seasons, according to the Institution of Canons, be most cautiously observed by all Priests.

[a] Lat. *Jus. Anglo. Sax.* Rihꝫ, as the Lat. *Ritus.* The Seasons of baptizing were, *Easter*, *Pentecost*, and, in some Places, *Epiphany*.

11. That all Priests diligently give Baptism to all that want it, in Case of Infirmity, at any Times whatsoever.

12. That no Priest presume to sell a Sacred Office, or the Sacrament of Baptism, or any Spiritual Gift, at any Price, lest they [b] be like them, who sold and bought Doves in the Temple. And let them not desire earthly Pay, for what they have obtained by divine Grace; but only Merit to receive the Glory of the heavenly Kingdom.

[b] *Imitemur*, Sir *H. S.* and *Cotton* MS. *Imitentur*, CCCC MS.

13. That no Priests go from the [c] See of the Holy Church, under whose Title he was Ordained, in order to remove to a strange Church; but there devoutly remain to the end of his Life.

[c] *Propria Sede*, Sir *H. S.* But *Propria* is not in the MS. in the *Cotton* Library.

14. That none who is numbred among the Priests cherish the Vice of Drunkenness, nor force others to be drunk by his Importunity.

15. That no Priest contract Familiarity with Women not related to him, nor ever permit any Woman to dwell with him in his own House.

16. That

16. That no Priest be Surety for another Man, nor sue in the Secular Courts, relinquishing [d] his own Law.

[d] That is, the Bishop's, or Ecclesiastical Court.

17. That none who is numbred among the Priests bear Military Arms, nor stir up Strife against his Neighbour.

18. That no Priest go to eat, or drink, in Taverns.

19. That no Priest [e] swear an Oath, but speak all Things simply, purely, truly.

[e] *Quicquam juramento juret*, CCCC MS.

20. That all Priests [f] enjoin fit Penance to all who confess their Crimes to them, with the utmost Circumspection; and with Compassion give the Viaticum, and the Communion of the Body of Christ, to all sick People, before the end of their Life.

[f] *Indicent*, Sir *H. S. Judicent*, *Cott.* and CCCC MS.

21. That, according to the Direction of the Holy Fathers, if any one be sick, he be anointed by the Priest with Consecrated Oil, together with Prayer.

22. That Priests have the Eucharist always ready for the Sick, lest they die without the Communion.

23. That Priests be neither constituted in any Churches, nor ejected from them, without the Authority and Consent of the Bishops.

24. That Churches founded of Old, be not deprived of their [g] Tithes, or any other Possessions, in order to give them to new Oratories.

[g] Here some Churches are supposed to be endowed with Tithes, long before this Age.

25.

25. Let one entire Manse be given to every Church, without other Service: For the Tithes, Oblations of the Faithful, Houses, [h] Church-yards, Gardens near the Church, and for the Manse beforementioned, let the Priests constituted in them, do no [i] Service, but Ecclesiastical. If they have any thing more let them pay due Services for it to their Seniors, according to the Custom of the Country.

[h] Probably ther is not any mentions of Church-yards, earlier than this, in the *English* Antiquities! And here the Word *Atriis* is used; which may signify any of the Avenues, Out-buildings, or Porticos of a Church. However, one may dare say, that Church-yards were not used as Burying-places, in the Province of *York*. *Cuthbert* was scarce Archbishop of *Canterbury*, when these *Excerptions* were first made, and he is said first to have introduced the Use of Church-yards, as Burying-places, into this Nation.

[i] The Service here meant, was undoubtedly Temporal, and therfore the *Seniors* were Temporal Lords.

26. That Bishops, and Priests, have an [k] House for the Entertainment of Strangers, not far from the Church.

[k] Lat. *Hospitiolum*. The Districts of the Priests, since call'd *Parishes*, were at first very large; insomuch that by the Confessor's, or, at farthest, by the Conqueror's Time, three or four Parishes were made out of one of the old ones. While Parishes were so large, no Wonder that the Rectors had Houses of Entertainment for Strangers; these were distant from the Manses of the Priest, to avoid Infection, often brought by Strangers; beside other Inconveniencies.

27. That the Bishop, in the Church, sit elevated above the [l] Bench of Priests; but in the House let him know himself to be a Collegue of the Priests.

[l] *Consessu*, as the CCCC MS. not *Consensu*, as Sir *H. S.* and his MS.

28. Let

28. Let every Bishop take great Care, that the Churches of God within his Parish be well built, repair'd, and adorn'd, as well in the [a] Edifice, and Lights, as in the other Furniture, and that the Servants of God do every one according to the Degree of his Order, regularly [b] give his Help [toward it]; especially let it be the Bishop's Care; and let him look to it, that they celebrate the Canonical Hours together, at the appointed Season. The Holy Fathers ordained the Synaxes to be sung, which the Clergy ought to sing every Day at proper Hours. [c] The first is the Nocturnal Synaxis, the second is at the first Hour of the Day, the third is at what we call the third Hour, the fourth at the sixth, the fifth at the ninth; the sixth Synaxis is in the Evening, the seventh Synaxis we call *Compline*. These seven Synaxes we ought daily to offer to God with great Concern for our selves, and for all Christian People, (as the *Psalmist*

[a] I read, *Ædificio*, not, *Officio*.

[b] *Juvant*, Sir *H. S.* But the MS. has *vivant*; and this, indeed, best fits the Syntax, and agrees well with the rest of the Canon, *viz.* that *the Servants of God*, that is, the Monks, *live regularly*, &c.

[c] These Canonical Hours were gradually introduced, they are mentioned by *Clemens Alex. Tertullian*, *Origen*, *Cyprian*, and in the *Apostolical Constitutions*, yet none but the *Apostol. Const.* mention them as Times of publick Prayer. But from these it appears that they are more ancient than Monkery. None of these mention six such Hours, but the *Apost. Const. Lib.* 8. *c.* 34. The Hours there set down are, Morning, the third, sixth, ninth Hour, Evening, and Cock-crowing, which is explained, by saying it was before Day. *Cl. Al.* mentions only the third, sixth, and ninth Hour. *Compline* was not added till long after. They who mention Midnight, commonly omit Mattins, and *vice versa*, the *Ap. Const.* by Cock-crowing mean Mattins. St. *Jerom* mentions not *Compline*, but Nocturn; which was properly at Midnight, which was afterwards defer'd to what is now call'd Mattins; sometime.

mist testifies, when he says, *Seven times a Day will I praise thee, because of thy righteous Judgments,)* and not to omit [to celebrate] Masses, as the Holy Fathers did, whom we call Confessors, that is, Bishops and Priests, who served God in Chastity.

29. *Paul* says of Bishops. *It behoves a Bishop to be in all Respects blameless, as a Steward of God, not proud, not angry, not* [d] *given to Wine, no Striker, not covetous of filthy Lucre, but hospitable, kind, sober, holy,* &c.

[d] *Vinolentum*, CCCC MS. not *violentum*, as Sir *H. S.* and his MS.

30. The Apostle also. *It behoves a Bishop to have the good Testimony of them that are without, that he may adorn the Doctrin of God in all respects.*

31. From the great Synod [e] of subintroduced Women. The great Synod wholly forbids the Bishop, Priest, and Deacon, and every one in the Clergy, to have a [f] subintroduced Woman.

[e] *Ex concilio Niceno*, is added by Sir *H. S.* and is not in the MS.

[f] I cannot but think that *Martin* of *Braga* best explains the Canon of *Nice*, in this Point, when by the *subintroduced Woman*, he understands an *adoptive, pretended Sister*, or the like. See his 32d Canon.

32. Also. The Canons teach, that if any Man marry a Widow, or an abandon'd Woman; or if he marry a second Wife, he never be made Deacon or Priest.

33. Also. Let the Bishop, Priest, or Deacon, that hath been caught in Fornication, Perjury, Theft, or Murder, be deposed.

34. The Institutions of the Holy Fathers. Bishops must take care, that they being rooted and grounded in Love, keep true Peace, and entire Concord between themselves, so that ther be as it were, one Heart and one Soul among them all [g]; and

[g] Here ends this Canon in CCCC MS.

and one perfect Doctrine of true Faith in the Mouth of all. [h] A Chasm.

h It is no small Demonstration, that the MS. now in the *Cot.* Library, was Sir *H. S.*'s Original, that at this Place there is a Chasm in both.

35. Nothing ought to be lodged in a Church, but what belongs to the Ecclesiastical Ministrations. For it is written in *Deuteronomy, Thou shalt not plant a Grove, nor a Pillar, near the Sanctuary of the Lord.*

36. He begins [to treat] of the Sabbath. God, the Creator of all Things, created Man on the sixth Day, and on the Sabbath he rested from his Works, and sanctified the Sabbath, for a future Signification of the Passion of Christ, and of his Rest in the Grave. He did not rest, because he was tired; for he made all Things without Labour; and his Omnipotence can never be weary; and he so rested from his Works, as not to make any other Creatures afterwards, but such as he had made before; but such Creatures as he had before made, he makes every Year, to the end of the World. He creates Men, both as to Body and Soul, he creates Animals, and Beasts, without Souls: Every human Soul is given by God; and he renews his Creatures, as Christ saith in the Gospel, *My Father worketh until now, and I also work.* Christ suffer'd for us in the sixth Age of the World, and on the sixth Day; by his Passion, and by the Miracles done by him, he made anew Undone Man. He rested the sixth Day in the Grave; and sanctified the Lord's-day, by his Resurrection. For the Lord's-day is the first Day of the World, and the Day of Christ's Resurrection, and of *Pentecost*, and therfore it is Holy, and we ought spiritually to sabbatize, that is, to cease from servile Work, that is, from Sin, *For he that commits Sin, is the Servant of Sin.* But because we cannot be without Sin, let

us beware of it to our Power, and amend whatever we have done amiſs. Let us give good Example to our Subjects, and correct our ſelves, and our Subjects, and continually exhort them to what is good. Amen.

37. An *Item* of the Holy Fathers. All muſt be careful to [a] celebrate *Eaſter*, at the certain Seaſon, *viz.* after the fourteenth Moon of the firſt Month.

[a] The Calculation of *Eaſter* was not yet ſo exactly ſettled, but that ther was a Variation in the obſerving of this Feaſt. The Council of *Toledo* complain of this in the Year 633. *c.* 4. *In paſchalis ſolennitatis obſervatione ſolet in Hiſpania varietas exiſtere prædicationis:* Therfore they order an annual Synod to ſettle it.

38. The Synod of *Agde.* [b] Such Seculars as do not communicate on the Nativity of the Lord, on *Eaſter*, and *Pentecoſt*, are not to be eſteemed Catholicks.

[b] This, probably, was the firſt Eſtabliſhment of the Cuſtom of Communicating three times a Year, *viz.* at the Synod of *Agde*, *A. D.* 506. *Calvin* ſays the Devil was the Author of this Law.

39. The *African* Canon. [c] Penitents ought not, according to the Canons, to Communicate before they have finiſh'd their Penance. But we for the Mercy of a compaſſionate God, do grant Licenſe to ſome, after a Year, or two, or three.

[c] The firſt Part of this Canon is very rational, upon Suppoſition that ther could be any Occaſion for making it, as I hope ther was not, during the firſt four Centuries, when all the *African* Canons were made. But the Permiſſion of Penitents to receive the Sacrament, is a Contradiction to primitive Diſcipline; yet I ſuppoſe it was certainly practis'd by the beginning of the ſixth Century, at furtheſt, when *Dionyſius Exiguus* publiſh'd the *Decretals.* See *Decr.* of *Innocent* 7.

40. An *Item* of the Holy Fathers. Let Prieſts give the Sacrament of Baptiſm promiſcuouſly to all

all that want it; and forthwith succour all that desire Penance, requiring no Pay for it, unless they or their Parents, or [d] Fosterers, freely give somewhat. But if any one attempt to oppose these our Institutions, let him feel the Punishment of Excommunication, or long bear the Confinement of a Goal.

[d] Lat. *Eleemosynarii.*

41. A Canon of the Fathers. As to Infants, when no certain Witnesses of their Baptism are found, and they, by reason of their Age, can make no proper Answer, concerning the [e] Sacraments having been given to them; it seems fit that they be baptized without Scruple, lest thro' Hesitation they be deprived of the cleansing Virtue of the Sacraments.

[e] Baptism; in this, and the foregoing Canon, is called Sacraments, in the Plural Number, as the Eucharist also often is. Sacraments is the same with Mysteries or solemn Rites, and ther were several such in Baptism; as then administred: And ther was a further Reason for it still, *viz.* that in the old *English* Church, the Eucharist was given to Children, presently after Baptism.

42. An *Item.* [f] Ther are some who mingle Wine with the Water of Baptism, not rightly. And Christ commanded to baptize with Water, not with Wine.

[f] Yet some Popes have allowed, that Baptism may be performed with Wine, in Case of Necessity. See Mons. *Petit*'s Collections, annex'd to the *Penitential* of *Theodore*, *p.* 159.

43. The Apostles Canon. If any Bishop, Priest, or Deacon, obtained this Dignity with Money, let both him and his Ordainer by all means be deposed, and cut off from Communion, as *Simon Magus* was by *Peter.*

44. An *African* Canon. Let not a Bishop ordain Clerks, without a Council of Priests.

45. A Canon. Let the Bishop hear no Cause, but in Presence of his Clerks, [g] excepting the Case of Confession.

[g] This Exception is not in the CCCC MS.

46. The *Carthaginian* Canon. Let the [h] Rector do nothing without Consent of his Brethren. For it is written, *Do all things with Advice, and thou shalt not repent afterwards.*

[h] The Abbot, or Superior of any Religious Body.

47. [i] *Ulpian* the Bishop says. That Decree cannot be valid, which has not the Consent of the most.

[i] Sir *H. S.* here has *Canon.* But my Friend assures me, that *Episcopus dicit*, is very legible in the MS. *Ulpianus* hardly discernible; yet he and another Gentleman skilful in MSS. did so read it: Who this *Ulpian* was, I cannot guess. CCCC MS. reads, *Cyprianus Episcopus dicit:* This is the most probable. St. *Cyprian* hath several Passages to this Purpose. The 46 and 47 Canon have no other Title in this MS.

48. The *Roman* Canon. If Disputes arise in any Province, let them be referred to the greater See, or to a Synod, or to the [k] Apostolical See of *Rome.*

[k] By this Canon Appeals might be made to *Rome*, from the Bishop, without first applying to the Primate, or greater See. *Ecgbriht* had obtained from the Pope, the Honour of the Pall, and thought himself bound to make the best Requital he cou'd, to the See of *Rome*, for that Favour. Yet Appeals to *Rome* were seldom used, till after the Conquest. *Wilfred*, *Ecgbriht's* Predecessor, had appealed to *Rome*, to recover his Bishoprick, and tho' the Pope pronounced for him, yet he could never get Possession of his See, till a while before his Death, and then he did it by the King of the *Northumbrians* Authority, rather than the Pope's.

49. The

49. The Bishop's Canon. Let not the Bishop deprive any Man of the Communion rashly, lest [a] one Bishop receive that Clerk or Layman to Communion, by a just Judgment, whom another Bishop hath cast out of the Church.

[a] Sir *H. S.* supplied *ne* before *justo*, in his Edition, and took it from before *quem*, in the next Line. The CCCC MS. is, *Et nec quem alius, &c.* without *justo judicio*: Then the Sense is agreeable to that of older Canons, *viz. That one Bishop do not receive that Man to Communion, who hat been expell'd from the Church by another*; tho' *et* does but serve to obscure the Words.

50. A *Nicene* Canon. Let no one surreptitiously Ordain a Man who belongs to another, in his own Church, without Consent of him to whom he belongs.

51. A *Calcedonian* Canon. That no one be Ordained without a Title, nor without pronouncing the Place to which he is to be Ordained.

[b] Let no Altars be consecrated by Unction with Chrism, unless they be of Stone.

[b] The CCCC MS. justly makes this a distinct Canon; with this Title, *Canon Epaonensis.* And it is the Sense of the 26th Canon of *Epone*, in the Year 517.

52. [c] A Canon of *Epone.* Let not Oblations be celebrated by Bishops, or Priests, in unconsecrated Houses.

[c] CCCC MS. has here, *Canon Laodicænensis*; and it is indeed the 58th of *Laodicea.* I find no such Canon in the Council of *Epone.*

53. The Canon of the Saints. [d] Let no Man

[d] This is a known *African* Canon: But what Occasion ther could be for reviving this Canon here in *England*, at this Time, it is not easy to say; except you will suppose, that some *English* Priests, or Bishops, attempted to bring some of the *Gotho-Francic* Offices in Use here. For in them the Oblation is sometimes made to the Sun, contrary both to Reason and Antiquity.

60. A *Nicene* Canon. If any one receive the Clerk, or [h] Monk, of any Bishop, without his Consent, let him be deem'd Sacrilegious, and be suspended from Communion, till he restore the Clerk, or Monk, to his proper Bishop. But if the Clerk contumaciously [i] refuse to return, let him be Anathema.

[h] The Council of *Nice* takes no Notice of Monks, nor were ther any such Men as Monks, at that Time. See *Can. Nic.* 16.

[i] *Voluerit*, Sir *H.S.* and his MS. *Noluerit*, CCCC MS.

61. An *Irish* Canon, Let him who lifts up his Hand with Spear, or Sword, to strike any Man near a Bishop, redeem his Hand, or lose it; but if he have wounded him too, let him shave his Head, and Beard, and [k] serve God; yet first let him make Satisfaction to the Bishop, and to the Party whom he hurt: But if any Man hurt a Clerk, or any of the Ecclesiastical Order, let him make Satisfaction sevenfold, in Proportion to the Order [he is of] and do Penance according to the Dignity thereof; or else let him walk off as an Exile from his Country. For the Lord says, by his Prophet, *Touch not mine anointed*, &c.

[k] *To serve God*, that is, become a Monk.

62. A Canon of *Orleans*. Let Abbots, according to their religious Humility, continue under the Power of their Bishops; and if they transgress their Rule, let the Bishops correct them: And let them meet once a Year, upon the receiving of a Summons from the Bishop, at the Place which he shall choose. Let the Monks subject themselves to the Abbots, with a most devout Obedience. But if any thro' Contumacy do otherwise, or wander about from Place to Place, or presume to have any Property of his own, let all he has got be taken

away by the Abbot, according to the Rule, for the Profit of the Monastery. Let the Wanderers themselves, [a] where they are found, be put under Custody, as Renegades, by the Help of the Bishop. And let him who does not lay such Persons under a regular Restraint, know that he shall be answerable for it to the Abbot; as also he who receives a Monk that belongs to another.

[a] *Ubi inventi fuerint* is wanting in Sir *H. S.* and his MS. but is in CCCC MS. and in the 21 Canon. *Concil. Aurel.* beforementioned.

63. A Canon of *Orleans*. If any Abbot be not cautious in his Government, humble, chaste, sober, merciful, and discreet; and do not express the divine Precepts, both by his Doctrin, and Example, let him be deprived of his Honour by the Bishop, in whose Territory he is, and the neighbouring Abbots, and others that fear the Lord, altho' his whole Congregation, consenting to his Vices, desire to have him their Abbot.

64. A Canon of the [b] Apostles. If an Abbot be a Transgressor of the divine Commands, and a Scorner of the Holy Rule, let him be deprived of the Honour of an Abbot, by the Bishop of the City, with Consent of the Abbots, and other Monks that fear God. It is fit that the Bishop of the City shou'd take a proper Care of Monasteries, as the great Synod of *Calcedon* decreed.

[b] *Episcoporum*, CCCC MS. a much better reading.

65. Pope *Leo* says. The Vow of a Monk can in no wise be relinquish'd. For one ought to pay to God what he has vow'd: [c] For the *Psalmist* says, *Vow, and render to the Lord.*

[c] *Namque*, Sir *H. S.* and MS. *quoque*, CCCC MS.

66. *Theodore* says. Let not Monks go from Place to Place, but continue in that Obedience, which

which they promised at the Time of their Conversion.

67. *Fructuosus* [d] says. Let the Monk, that is a Violator or Scorner of the Holy Rule, or that is in a filthy manner [e] a Suiterer of young Boys, be publickly whipt, lose the Crown which he bears on his Head, and being shorn bald, be exposed to the basest Reproaches; or being bound with Iron Chains, let him be macerated with a [f] close Imprisonment.

[d] CCCC MS. adds, *Bishop*, and he was indeed Bishop, and Archbishop, in *Spain*.

[e] Sir *H. S.* and his MS. have *aut* here, which CCCC justly leaves out.

[f] *Carceruli Angustiâ*, Sir *H. S. Carcerali*, both MS.

68. A Canon of *Agde*. If any Monk have committed Adultery, or Theft, (which may rather be called Sacrilege) we doom and ordain him that is guilty of so great a Crime, to be whipt with Rods, and never enter into the Clerical Office. But if when he is already a Clerk, he be caught in such a Crime, let him be deprived of the Dignity of that Title.

69. The Bishop of *Aurelia* says. Let Monks never have Flesh in Commons: Animals, either young, or full-grown, are never to be served up at the Table in the Congregation: They may be provided for, and eaten by them that are infirm only.

70. *Isidore* the Bishop says. [g] An Abbot, or Monk, may not give Freedom to a Slave of the Monastery: For it is impious that he shou'd damage the Church, who hath given nothing to it.

[g] This is also forbidden by several of the Councils of *Toledo*, particularly that in the Year 633; they might in some Sense be freed, indeed, but not to be at their own Disposal, as other freed; but like the *Servi Ascriptitii*. See Canons of that Council, 67, 70.

71. A Canon. If any Bishop, Priest, or Minister, take any of those Things away from the Church, which the Faithful do give in any Place, he shall with Confusion restore the Plunder, and [h] undergo the Sentence of an annual Excommunication.

[h] This is an Abridgment of the 1st Canon of the Council held at *Toledo*, in the Year 693. The same Punishment is inflicted by the 11th Canon of the Council held there 691, for refusing to be determin'd by the Majority of an Ecclesiastical Assembly. *Annua Excommunicatio*, may, perhaps, signify an Excommunication to last one Year; but it seems rather to denote, a Sentence pass'd once a Year, *viz.* at the beginning of *Lent*, and relaxed on *Maundy-Thursday*. CCCC MS. hath *aimæ*, for *annuæ*, a mere Blunder.

72. An *Irish* Canon. Let Restitution fourfold be made for the Goods of the Church, stollen, or plundered, double for the Goods of common Men.

73. [i] An *Irish* Canon. If one have stollen Goods from the Church, let the Lot be cast, whether the [Thief's] Hand be cut off, or he be thrown into Gaol, there long to fast and mourn: And let him restore what he had taken, or be sent into Banishment,

[i] This Canon may justly be deem'd to have come from *Ireland*; for it savours of the Barbarity of that People: And yet it agreed well enough with the Temper of *Ecgbriht*, and the *Northumbrians:* For in the *Formulæ veteres*, following these *Excerptions*, in the *Cott.* MS. in the Chapter, *De improviso judicio secularium*, you have the following Directions, "Some are to be chastised "with Fetters, and some with Scourges, others are to be "distrest with Hunger and Cold; let others endure the "Reproach of losing their Skin, Hair, and Beard, all at "once; let others be yet more sharply distrest, that is, "let them undergo the Loss of an Eye, Nose, Hand, "Foot, or other Member." The Truth is, this Practice of pulling the Skin of the whole Head off, was so familiar, among our Ancestors, that they had a single Word, or Term of Art, whereby to express it, *viz.* Hæccian.

ment, and make double Restitution. But if he stay in his own Country, let him make fourfold Restitution, and do perpetual Penance.

74. A Canon of *Toledo.* If a Clerk be caught demolishing of Sepulchres, let him be removed from the Clerical Order. If any one [else] violate a Sepulchre, let him do seven Years Penance, three of them in Bread and Water.

75. [k] A Canon of *Eliberis.* They that fly to the Church for Refuge, ought not to be forced from thence; but their Lords may [l] persuade them to be gone, by promising their Intercession. But if the Lord inflict any Punishment on them, when they so go out, let him be deemed an Enemy, and Excommunicated. If any Man do hurt to a Man under Church-Sanctuary, or [m] under the Seal of Sanctity, let him make sevenfold Satisfaction, and Restitution, and likewise continue seven Years in hard Penance; otherwise, he is to be Excommunicated from the whole Catholick Church.

[k] Sir *H. S.* and his MS. have *Canon Hibritan*; which he understood as if it had been *Hibern*; but the CCCC MS. has *Heliberitan*; yet ther is no such Canon among those of *Eliberis*; And if that Council were held, as it is pretended to have been, before *Constantin*'s Conversion, it is impossible that such a Canon should be there made, for Sanctuary is a Civil Privilege. But ther are several Canons cited by old Collectors, as from Latin Councils, which yet are not found in the most approved Copies. And some of the Canons now called *Eliberitan*, were by them entitled *Hibern*, as if they had been made in *Ireland.*

[l] CCCC MS. has *exire persuadeant.*

[m] That is, ordained to the Clergy, or shorn for a Monk. This whole Clause is wanting in the CCCC MS.

76. *Jerom* says. The Church defends such as she receives into her Bosom, like an Hen, which broods and defends the Chicken that are, or that

are

are not her own: So the Church ought to defend all that flee to her.

77. An *Irish* Canon. Let him who kills a Man within the Verge of a Monastery, get him gone into Banishment, with Damnation: Or else quitting his Arms, and shaving his Head, and Beard, let him serve God the rest of his Life: Yet let him first make Satisfaction to God, and the Kindred [of the Party murdered.]

78. *Jerom* says. They who sin in a consecrated Place, are to be slain there. *Phinees* kill'd the Man and the Whore in the Camp; ([a] as *Matthias* did the Jew, who sacrificed to an Idol.) The Holy Places defend not him who pollutes what is Holy. Christ scourged the Malefactors in the Temple.

[a] The Words in this Parenthesis are not in CCCC MS.

79. *Jerom* says. He that strikes evil Men, because they are evil, is a Minister of the Lord.

80. *Jerom* also says. To punish such as are guilty of Murder, and Sacrilege, is not shedding of Blood, but an Administration of the Laws. He hurts the Good, who spares the Bad.

81. A Canon of *Orange*. All Religious Offices are to be administred to [b] Idiots.

82. A Canon of *Carthage*. Let Exorcists lay Hands on the Possest every Day.

83. A Canon of *Orange*. They who are sometimes notoriously [c] possest, are not only not to be admitted to any Clerical Order, but, if some such are ordained, they are to be repell'd from the Office conferr'd on them.

[b] Lat. *Amentibus*. *Canon Arauf.* 13.

[c] Lat. *Arrepti*, Sir *H. S.* and the MSS. but in the Council of *Orange*, it is, *Energumeni*.

84. A Canon of *Carthage*. Let him who goes out of the Auditory, while the Priest is preaching, be Excommunicated.

85. A Canon of *Carthage*. Let not a Layman dare teach in the Presence of Clergymen, [c] unless it be at their Request.

[c] Lat. in Sir *H.S.* and both MSS. *nisi ipsis provocandis*, but in Can. 98. IV Council of *Carthage*, *nisi ipsis rogantibus*.

86. [d] *Isidore* says. Let not the worldly Wise, how wise soever, condemn the Ecclesiastical Judicature.

[d] This Canon is without Title, in CCCC MS.

87. A Canon of *Carthage*. Let not a Woman, tho' Learned and Holy, dare to teach Men in the Assembly.

88. A Canon of *Carthage*. Let the Bridegroom and Bride, be offer'd by the Parents, and Bridefolk, to receive the Priest's Benediction: And let them remain Virgins that Night, in [e] Honour to that Benediction, when they have received it.

[e] I am sorry to see such a Superstition countenanced by so early a Council: But so it is in Canon 13, of the 4th Council of *Carthage*.

89. A Canon says. That a Priest ought not to be present at a Feast made on Occasion of a second Marriage; especially when it is required, that Penance be laid on second Marriages.

90. Pope *Gelasius*. The Holy Veil ought not to be put on Virgins, or [f] Widows devoted to God, except on the *Epiphany*, or *Low-Sunday*, or on the Nativity of an Apostle, unless they be dangerously sick, (as has been said in Relation to Baptism) then let it not be denied them, if they implore it, that they may not pass out of the World without this Gift.

[f] *Viduis* is wrote with a late Hand, in Sir *H.S.* MS.

91. A

91. A Canon of *Carthage*. It seems fit, that [a] Man be not ordained Deacon, nor a Virgin consecrated, before they be twenty-five Years of Age, [g] unless a reasonable Necessity compel.

[g] This Exception is not in the 4th Canon of the third Council of *Carthage*. Yet some Copies add another Exception, *viz. Unless they be well instructed in the Scripture from their Infancy*, &c.

92. *Basil* the Bishop. [h] Yet Infants ought to be received, with the Will and Consent of their Parents, or rather offer'd by them before many Witnesses.

[h] *Tam*, Sir *H. S.* and his MS. *tamen*, CCCC MS. But *Basil* declares directly against this, *Can.* 18.

93. *Isidore*. Whoever hath been settled in a Monastery by his own Parents, let him know, that he is always there to remain. For *Hanna* offered her Son *Samuel* to God, when a Child, and now weaned; and he continued in the Ministry of the Temple.

94. A Canon of the *Romans*, and *Francs*. A Boy, till he is fifteen Years old, is to be chastised with corporal Discipline, for his Crimes: Whatever Crime he commits afterwards, or if he steal, let him make Restitution, and pay according to Law.

95. A Canon of *Neocæsarea*. Let no one, in any Case, be ordained Priest, before the thirtieth Year of his Age, unless reasonable Necessity compel; because the Lord Jesus preached not before the thirtieth Year of his Age.

96. A *Nicene* Canon. [i] That a Bishop be ordained

[i] This is a Jumble of the 4th Canon of *Nice*, and of the 6th of *Sardica*; or rather, of some part of each. That of *Sardica* was misunderstood; for it was meant of creating Bishopricks, by the *Sardican* Fathers, but here understood of ordaining Bishops. That Bishops shou'd be ordained on the Lord's-Day, is no part of either Canon.

dained by the Bishops of the whole Province, if it be possible: If this be difficult, however not by fewer than three. Ordinations of Bishops ought to be on the Lord's-days, not in the Country, or small Towns, but in the chief Cities, in regard to the Dignity of so great a Title.

97. But [let the Ordination of] Priests and Deacons, be on the [a] Sabbaths of the four Seasons; that this Ordination being performed in the Presence of the People, the Reputation of the Elected, and Ordained, may be debated under the Testimony of all.

[a] *Saturday* in the *Ember*-Week (because the Fast was not then ended) was thought the most proper Season for ordaining Priests and Deacons: But the Ordination was not to begin till toward Evening, and it was not to be compleated till the Lord's-day Morning, before the Fast was broken.

98. The Canon of the Saints. Let the Priests of God always diligently take care, that the Bread, and Wine, and Water, (without which Masses cannot be celebrated) be pure, and clean: For if they do otherwise, they shall be punish'd with them who offer'd to our Lord Vinegar mix'd with Gall, unless true Penitence relieve them.

99. Of Tithes. It is written in the Law of the Lord, *Thou shalt not delay to offer thy Tithes, and First-fruits.* [b] And in *Leviticus*, *All the Tithes of the Ground, and of the Trees, are the Lord's, Oxen, and Sheep, and Goats, which pass under the Rod of the Shepherd, whatsoever is the Tenth, shall be sanctified to the Lord: neither the good, nor the bad shall be chosen, nor shall any Change be made.*

[b] Here this Canon ends in CCCC MS.

100. *Augustin* says. Tithes are the Tribute of the Churches, and of needy Souls. The Lord, O Man! demands Tithes of that whereby thou livest:

Pay

Pay Tithes of what thou getteſt by bearing Arms, by *Trade*, by Handicraft. Our God is not indigent, he requires not Gifts, but Honour.

101. An *Item* in the Law. *When thou reapeſt the Corn of thy Land, thou ſhalt not cut it cloſe to the Surface of the Ground, nor gather the Ears that remain, neither ſhalt thou gather the Bunches and Grapes that fall down in thy Vineyard, but thou ſhalt leave them to be gleaned by the Poor and Stranger.*

102. Alſo in the Law. *If thou come into the ſtanding Corn of thy Friend, break off the Ears, and rub them in thy Hand, but reap them not with a Sickle.* This our Saviour's Diſciples alſo did; they rubb'd the Ears of Corn in their Hand, and eat them on the *Sabbath*, as the Goſpel ſaith.

103. An *Item* in the Law. *When thou goeſt into the Vineyard of thy neighbour, thou ſhalt eat as many Grapes as thou pleaſeſt; but carry none out with thee.*

104. An Inſtitution of the Fathers. Men muſt do nothing on the Lord's-day, but attend on God with Hymns, and Pſalms, and ſpiritual Songs. [c] And all the Days of *Eaſter*-Week are to be obſerved with equal Devotion.

[c] The following Clauſe is not in CCCC MS. Yet the Obſervation of the whole *Eaſter*-Week was injoined by the 2d Canon of *Maſcon*, in the Year 588.

105. A Canon of *Orleans*. We think it reaſonable to be obſerv'd, for Mercy's ſake, that they who are impriſon'd for any Crime, be look'd after by the Archdeacon, or [d] Reeve of the Church, every Lord's-day, that the Straitneſs of them that are in Bonds may be mercifully relieved, and competent Victuals be given them by the Biſhop, from the Houſe of the Church.

[d] The Reeve of the Church was the Biſhop's Steward for Secular Affairs; the 20th Canon of *Orleans*, in the Year 549, or 550, is almoſt in the ſame Words.

106. An

106. An *Item.* Let him that [e] commits the Conjugal Act on Lord's-day Night do Penance seven Days; let him that does it on *Wednesday* or *Friday*, do Penance three Days; he that does it in the *Lent* before *Easter*, let him do Penance a Year.

[e] Lat. *nupserit:* Some later Hand has written over this Word, *sc. cum pompâ conjugii*, as if it were meant of solemnizing Marriage; whereas *nubo*, in the Canonists of this Age, especially in the Penitentiary Canons, does generally signify as I have translated it in the Text: They frequently speak, *De nubendo masculis, Brutis, &c.* And the mentioning of *the Night*, determines the Word to this Sense. In *Bede, de Remed. Peccator. l.* 2. you have these Words, *Qui in Ecclesia consecrata nubunt*----- 3 *dies pœniteant*. *Petit*'s Collections on *Theodore*'s *Penitential*, is full of the like Expressions.

107. An *Item.* Let no one presume to break publickly enjoined Fasts, lest he incur the Wrath of God.

108. [f] From the Council of *Brague*. Religious Men ought not to take Victuals, nor to go to Meals, till the third Holy Hour of the Day: Nor shou'd Clerks eat Bread at any time, till they have first

[f] This Canon is written with a later Hand, in Sir *H. S.*'s MS. in the *Cott.* Library, and in the Margin, not in the Text; and the Word *horam* is omitted in the Interpolation. It is to be fear'd, that the Interpolator did not understand the Canon. It is the 65th Canon of *Martin* of *Braga*, and sent by him to the Council at *Lugo*, in the Year 572. In that Age ther were but six Canonical Hours, Nocturns, and Mattins, before Day, Tiers, Midday, Nones, and Vespers, for the Day. Nones was the third Holy Hour, or Time of Prayer. But by the Time of *Ecgbriht*, and *Cuthbert*, *Prime* was added, therfore then Nones was the fourth Holy Hour of the Day.

first said an Hymn, and [f] after Meat they shou'd give Thanks to the Donor.

[f] The *hiatus*, before *post*, and in the Word *Bracarensi*, and the want of several other Letters in the MS. itself, was occasion'd by the cutting of the Margin, when the Book was bound; as my Learned Friend assures me.

109. A Canon of the Saints. Let them who are married, contain themselves for three Nights, before they communicate, and one afterwards. Upon which the Apostle says, *Defraud not one another, but by Consent, that ye may for a time attend on Prayer.*

110. [g] *Gregory* says. If any one use his Wife, not out of Lust, but for Procreation of Children, he is to be left to his own Discretion, either as to going to Church, or receiving the Mystery of the Body and Blood of the Lord; for he ought not to be prohibited by us, since he may go to Church, according to the aforesaid Determination. But because the lawful Embraces of the married cannot be without the Will of the Flesh, therfore ther shou'd for some time be an Abstinence from entring into the Holy Place, because such a Will cannot be without Fault.

[g] See *Gregory*'s Answer to *Augustin*'s 8th Question, *Art.* 6.

111. Of Marriage it is written in the Law. [h] *If a Man seduce a Virgin not betroth'd, and lie with her, he shall endow her, and take her to Wife.*

[h] *Exod.* xxii. 16.

112. *Augustin* saith. As he who takes a Wife, desires to find her a Virgin; so let him also keep his Virginity till Marriage.

113. Let young Men, when they come to the Age of Puberty, either marry, or profess Continence.

hence. Young Women at the same Age ought to observe the same Law.

114. *Paul* the Apostle says. *For [the avoiding] Fornication, let every Man have his own Wife, and every Woman her own Husband.* And let no one presume to separate lawful Matrimony. *What God hath joined, let no Man put asunder.*

115. *Paul* saith. *The Woman hath not Power over her own Body, but the Man; and the Man hath not Power over his own Body, but the Woman.*

116. The Synod saith. A Man may marry another Woman, a Month after the Death of his Wife; a Woman may take another Man, a Year after [the Death of her Husband.]

117. *Paul* the Apostle saith. *A Woman is tied by the Law, as long as her Husband liveth; but if her Husband die, she is free, let her marry to whom she will, but only in the Lord. But she will be happier if she so remain.*

118. [a] Also an *African* Canon. Lawful Matrimony may not be separated, without Consent of both Parties: But one may give Leave to the other to enter into the Service of God, with the Advice of the Bishop. Some also say, if an Husband or Wife, by Consent become Religious, the other, being very young, if not able to contain, may engage in a new Marriage; which I do not approve. But tho' a married Man is willing to be converted to a Monastick Life, he is not to be admitted, unless he be first loosened by his Wife's professing Chastity also. For if she, thro' Incontinency, marry another, while he is alive, she will be an Adultress, beyond all doubt: And he who hath dismissed her, will be Partaker in her Sin.

[a] One may dare pronounce this to be no *African* Canon, without making any Enquiry: But the worst part of it is attributed to *Jerom*, in *Excerptions* according to the CCCC MS. which see.

119. An *Item* concerning lawful Matrimony. Let no one presume to separate lawful Matrimony, but by Consent of both, and for Love [b] of Christ, who saith, *He that hath left a Wife, &c. shall receive an hundredfold, and inherit eternal Life.* And let no Man dismiss a Wife for any Cause, but Fornication, because the Pharisees tempting our Lord Jesus Christ, *asked him, if it were lawful for a Man to divorce his Wife,* &c. —— till you come to those Words, *Whosoever divorceth his Wife, except for the Cause of Fornication, and marrieth another, committeth Adultery:* Therfore the Apostle says, *Let not a Woman depart from her Husband.* And again, *Art thou bound to a Wife? Seek not to be loosed. Art thou loosed from a Wife? Seek not a Wife.* It is elsewhere written, concerning Adultery, or Fornication [c], *He that retains an Adultress is foolish, and wicked.* [d] *Ezekiel* also speaks of casting out the Children of Adultresses, with their Mothers, *Cast out the fornicating Mother, and the Children of Fornication.* And *Augustin* says, *If a Woman commit Fornication, she is to be dismiss'd; but another is not to be married, while she is alive.* Where-ever then ther is Fornication, and a just Suspicion of Fornication, the Wife may freely be dismist; but otherwise, tho' she be Barren, Deformed, Rank, a Sot, a Shrew, Ill-behav'd, Luxurious, Senseless, Gluttonous, a Strowler, Impertinent, Slanderous, whatever she be, as you took her, you must have, and hold her: For the Apostle says [e], *when thou wast*

[b] That is, Of a Monastick Life.

[c] *Prov.* xviii. 23. LXX and Vulg.

[d] This Citation is interpolated by the same Hand that inserted *Can.* 108. and they are only in the Margin of the MS.

[e] The Apostle says something like this of himself, 1 *Cor.* ix. 19. but not in relation to Marriage. It is no extraordinary Thing, for the Writers of this Age to coin a new Text of Scripture.

wast free, thou didst of thine own accord put thy self in a State of Bondage.

120. The *African* Canon. According to the Evangelical Discipline, neither let a Wife, dismist from her Husband, take another Man, the former living; nor an Husband another Woman: But let them so remain, or be reconciled.

121. *Augustin* says. If a Woman commit Fornication, she is to be relinquish'd, but another must not be taken, so long as she lives.

122. A Canon says. If a Woman depart from her Husband, with a Contempt of him, refusing to return, and be reconciled to him, he may take another Wife, after five, or seven Years, with the Bishop's Consent, if he cannot contain. [f] But let him do Penance for three Years, or even so long as he lives, because he is convicted of Adultery, by the Sentence of our Lord.

[f] If it was a Crime, how cou'd the Bishop's Consent make it lawful? If it was not a Crime, what occasion for Penance? Yet see *Theodore's Council*, *Can.* 10. with Note, in the Year 673. See *Theodore's Penit.* as publish'd by *Petit*, *c.* 11. *p.* 10. *Si cujus uxor Fornicata fuerit, licet dimittere eam, & accipere aliam*----- *Illa vero, si voluerit pœnitere peccata sua, post duos annos alium accipiat virum; hoc est si in primo conjugio essent secundum Græcos.* ------ *Si mulier discesserit a viro, nolens reverti, & reconciliari viro, post quinque annos, cum consensu Episcopi, aliam liceat uxorem* [*ducere.*] Our Reformers allowed a Dissolution of Marriage, for Desertion, long Absence, mortal Hatred, *&c.* and in all these Cases permitted a second Marriage. See *Reformatio Legum. Eccl. de Adulter. & Divorc. c.* 8, 9, 10.

123. An *Item.* If any one's Wife be taken captive, and cannot be redeem'd, let him take another, after seven Years: But if his own, that is, his first Wife, do afterwards return out of Captivity, let him receive her, and dismiss the latter.

Let a Woman do the same, if this happen to her Husband.

124. Of the Matrimony of Slaves. If the Master of a Male and Female Slave, join them together in Marriage, and one of them be afterwards set free, and the other cannot be redeem'd, the freed Party may (as some think) marry to another that is free; yet by the Sentence of our Lord, he is convicted as an Adulterer. Let him therfore, that does thus dismiss his first Wife, on account of human Servitude, and marry another that is free, do [s] Penance three Years, in Bread and Water, and do some sort of Penance during Life: And let the Woman that does this, do Penance in like manner. If a Freeman marry a Female Slave of his own, or that belongs to another, he may not dismiss her, if they were first joined together by mutual Consent: If he do dismiss her, and take another, whether bond or free, let him do Penance as above.

[s] Yet even in this Case, the second Marriage holds, as to the *vinculum*, according to this Canon, and *Theodore, ubi supra, Maritus si ipse seipsum in furto, aut Fornicatione, servum fecerit*, (this shews that the Punishment of Theft and Fornication, was Forfeiture of Liberty) *vel quocunq; peccato, mulier si prius non habuit conjugium, habet potestatem post annum alterum accipere virum.* In case the Husband, or Wife, were taken Captive, the Point was unsettled: It is declared, that the Husband, or Wife, may, after five Years, marry again; but upon the Return of the Captive, the first Marriage takes place, according to the first Determination; the second, according to the second.

125. Of Concubines. *Augustin* says, What a Thing is this, that many Men, before Marriage, are not ashamed to take Concubines, whom, after some Years, they dismiss, and then take lawful Wives?

Wives? Therfore, before the Lord, and before his Angels, I testify and denounce, that God ever forbade such Marriages, and that they never were pleasing to him: And it never was, is, or shall be, lawful to keep Concubines, especially in Christian Times.

126. An *Item* in the Law. Let none defile themselves with incestuous Conjunctions, because it is written in *Leviticus*, *Let no Man go in to her that is near akin, to uncover her Nakedness*. And again, *The Soul that does any of these Things shall be cut off from the midst of the People*. But they to whom unlawful Conjunction is forbidden, shall have the Liberty of entring into a better Marriage.

127. A Synod says. They who have been coupled in unlawful Matrimony, ought not, after Penance, to be in the same House together, lest they be coupled together out of Love.

128. Also a Synod, concerning the Marriage-bed of a dead Brother. Hear the Decrees of the Synod; let not a surviving Brother go into the Marriage-bed of his deceased Brother; since the Lord says, *They two shall be one Flesh*; therfore the Wife of thy Brother, is thy Sister.

129. *Gregory* says. If any Man marry a Nun, a Godmother, a Brother's Wife, a Niece, a Step-mother, a Cousin-german, a near Kinswoman, or one with whom a near Kinsman has had [to do], let him be Anathema.

130. Also concerning such as are near akin, *Gregory* thus answer'd *Augustin*'s Questions. (*This is the same with* Gregory's *fifth Answer to* Augustin, *till you come to these Words*, ought to abstain from each other.)

131. [h] An *Item*, concerning the rational Excuse. A long time after this, *Gregory* being ask'd by *Felix*, Bishop of *Messana* in *Sicily*, whether he had written to *Augustin*, that Marriages contracted by the *English* in the fourth Generation, shou'd not be dissolved, the most humble Father, among other Things, gave this Account of it, "What I wrote "to *Augustin* our Disciple, Bishop of the Nation "of the *English*, concerning the Marriage of near "Relations, we certify was written, not to others "in general, but to him, and to the Nation of the "*English*, just now come over to the Faith, in par-"ticular, And the whole City of *Rome* is witness, "that I wrote not to them with an Intention, "that they shou'd not be separated, if they mar-"ried such as were related to them in Blood, or "Affinity, even to the seventh Generation, after "they had once been settled and grounded in the "Faith; but while they were yet Novices, I *be-"gan* to teach them both by Precept, and Instances, "their former unlawful Deeds: And we ought in "Reason and Fidelity, to make an Exception a-"gainst what they shall afterwards do of this sort. "For in Imitation of the Apostle (who says, *I* "*gave*

[h] I am little concerned whether this be true in Fact or not: But *the most impartial Papists* (says Dr. *Cave*) *esteem this Letter spurious*; and the first that attributes this to *Gregory*, is *Joanes Diaconus*, who wrote above an hundred Years after *Ecgbriht*; I mean, that he is the first, unless you will suppose, that this is a genuine *Excerption* of *Ecgbriht*'s. *Ivo*, and *Burchard* cite *Joanes Constantinopolitanus*, for saying this to *Felix* of *Messana*: *Gregory* the VIIth, and *Alexander* II. cite them as the Words of *Gregory the Great*, but they are too young Evidences in this Point. See *Causa* 35. *Quæst*. 3. *c*. 20. They are not in CCCC MS. my Reader will not wonder, if my Translation here does not exactly agree with Sir *H. S.*'s Text. I have, in several Particulars follow'd the Copy in the *Corp. Juris Canonici*, before hinted.

" *gave you Milk, and not strong Meat*) we made this " Allowance for the present Time, not for the fu- " ture, that the kindly Seed might not be scorch'd " before it had taken Root, but might gain a gra- " dual Strength, and be preserved till it came to " Perfection.

132. A *Roman* Canon. A Layman who defiles himself with an [a] Handmaid of God, or with his Godmother, or near Kinswoman, or her with whom, perchance, his Kinsman hath had [to do], let him first be Anathematized, and afterwards do seven Years Penance; three [of them] in Bread and Water. Let the Woman do the same Penance. Because Christianity equally condemns Fornication in both Sexes.

[a] A Nun.

133. An *Item*. The Apostolical Pope *Gregory*, being present in Synod, before the Body of the most blessed *Peter*, said, If any one marry a [b] Presbyteress, let him be Anathema.

[b] By the *Presbyteress*, must be meant, an Abbess, or the Superior of some Convent of Women. See Decrees of Pope *Gregory* II. which were made not much more than 20 Years before *Ecgbriht's Excerptions* were compiled.

134. An *Item*. If any Man marry a Nun, whom they call a Servant of God, let him be Anathema.

135. [c] An *Item*. If any Man marry one of his own Kindred, or one with whom his near Kinsman has had [to do], let him be Anathema: And all answered, and said, *Amen*.

[c] This Canon is in the Margin of the MS. in the same Hand with *Can*. 108.

136. An *Item*. If any one commit Fornication with two Women, related [to each other] first let

him be Anathematized, and then do Penance for seven, or ten Years.

137. [d] Also *Gregory* to Bishop *Felix*. We decree, That every one preserve his own Pedigree to the seventh Generation: And it is not, nor ever will be, lawful for a Christian to marry any, so long as they know them to be akin; and we will not be reproved either by [e] you, or others of the Faithful, because we indulged the Nation of the *English* in this Point, not by giving them a prescribed Rule, but a Permission: We did it, that they might not lay aside that Christianity which they had imperfectly received.

[d] See Note on *Can.* 131.
[e] *Nobis*, Sir *H. S. Vobis*, MS.

138. Concerning [f] Schemes. The Branches in the Pedigree of a Family, are called, *Schemes*, when the Degrees of Consanguinity are distinguish'd, *viz.* such an one the Father, such an one the Son, such an one the Kinsman, and so on; the [g] Manner of it appears, in what follows. And this Consanguinity, whilst it orderly parts it self by gradual Descents, and comes at last to the lowest Degree, and ceases to be what it was, the Law of Matrimony, by its Bond, brings it back again, and recals it, when it is now vanishing. It is for this Reason, that Consanguinity is continued to the sixth Degree of Relation, that as the Generations of the World, and the State of Mankind, is limitted to six Ages, so Propinquity of Stock may be terminated by the same Degrees. It is not therfore convenient, that any within these Degrees should be coupled in Matrimony; nor is it, or ever will it be lawful, for any Christian to marry

[f] Sir *H. S.* put *Stemmata*, for *Schemata*.
[g] This Canon was clearly put before a Tree of Consanguinity, as they call it, in the Book, where-ever it was, from whence it was transcribed into this Collection.

marry her, whom any nearly related in Blood have had to Wife before; because such incestuous Copulation is abominable to God. We read, it was long since ordained by the Fathers, that such as are incestuous, should not be call'd Husband, or Wife.

139. Pope [i] *Virgilius*. If the Altar be taken away, let the Church be consecrated anew. If the Walls are only alter'd, let it be reconciled with Salt and Water: If it be violated with Murder, or Adultery, let it be most diligently cleansed, and consecrated anew.

[i] Read *Vigilius*. Ther is a Decree of his extant in his first Epistle, and in *De consecr. Dist.* 1. *c.* 24. relating to this Matter: But instead of *Altaria*, he has, *Sanctuaria*; by which, I suppose, is meant, the Relicks of Saints, without which no Church of Old could be consecrated. But his Decree is very obscure, and ther is very little Resemblance between that, and this Canon.

140. Pope *Virgilius* [i] out of the Council of *Carthage*, *Gregory*. When any one, being a Clerk, comes to his Trial, if he desire it, and ther be occasion, let the Respite limitted by the Fathers, be granted upon his Request, without Obstruction, and let selected Judges be allow'd him by his Bishop: If he at that Place fear the Violence of the rash Multitude, let him choose a proper Place, where he may have his Witnesses, if Occasion be, without Fear, and bring his Cause to an Issue without Impediment, according to Canon, because many Things used to happen by way of Sur-

[i] This Canon is clearly framed from Canon 15, 96, 121, 122, *&c.* of the *African* Code. For *se electi*, read *a se electi*, or *selecti*. In Sir *H. S.*'s Chasm, my Friend reads, *a Patre*; which I translate, *by his Bishop*, according to the Sense of the *African* Fathers. In the first Line of this Canon, Sir *H. S.* has *noluerit*, the MS. *voluerit*.

Surreption [a] ——— for Mercy is better than all Holocausts. We must not act in Ecclesiastical Causes, as in Secular. For in Secular Causes, he that is sued at Law, cannot withdraw, till he have appeared, and pleaded, and given his Answer, and the Cause be ended. But in Ecclesiastical, he may withdraw, if ther be Occasion, or if he see himself aggrieved, upon the hearing of his Cause.

[a] *Sententiam fratris quæ*, (so my Friend supplies this Chasm, from the MS.) *misericordiam vetat*, are to me unintelligible Words.

141. [b] In the *Nicene* Synod. It is ordained, that ther ought to be no Judges in Synod, but such as he who is impeach'd hath chosen, or such as his Primates have appointed, with his Consent, by the Authority of this Holy See: For it is an Indignity to him who ought to have Judges of his own Province, and chosen by himself, to be tried by Foreigners.

[b] This *Excerption* too is patch'd up out of the *African* Canons, 19, 20, *&c.* *By the Authority of this Holy See*, is owing to the Invention of the Interpolator.

142. The Gift, Sale, or Exchange of any thing belonging to the Church, made by the Bishop, without the Consent and Subscription of his Clergymen, shall be void.

143. Let no Monk presume to judge, or to receive a Secular Accusation against a Clergyman. If any one be convicted of attempting this, let him know that he is to be degraded, according to the Statutes of the Fathers [c], as an Exacter and Possessor of Usury, While any Man is under grievous Crimes, he cannot purge away the Sins of others, so long as he is laden with his own.

[c] I read, *Velut exactor fœnoris, aut usurarum possessor*, as Sir *H.S.* in Margin.

144. [d] A *Roman* Council. In the Time of *Constantine Augustus*, Pope *Sylvester* assembled a Synod of seventy-three Bishops at *Rome*, by whose Consent and Subscription, it was Ordained, That no Layman shou'd presume to bear Testimony against a Clergyman: [e] Therfore let not Laymen be admitted against a Clergyman. Let not the Kindred, or Domesticks of the Informer, give Evidence against others who do not belong to the Family; nor let suspected Informers, or Witnesses, be admitted; because Affection toward Kinsmen, Masters, and those of the same Family, is prejudicial to Truth in many Cases. But Parents, if they will, and it be mutually agreed, may testify [against their Children] [f] not against others: For Carnal Love, and Fear, and bitter Hatred, do often cloud Mens Senses, and pervert their Thoughts.

[d] This Council is entirely a Forgery.

[e] The Decree of this pretended Council goes no farther, and this indeed, is more than enough. Ther can nothing be said in Defence of such a Law, but that Laymen were by another forged Decree exempt from having any Accusation or Testimony given against them by a Clergyman. See *Caus.* 2. *Quæst.* 7. *c.* 2, 6.

[f] That is, I conceive, not against others in Behalf of their Children.

145. Of ancient Matrimony. It is sufficiently plain, that the Sons of *Adam*, in the beginning of the World, could marry none but their own Sisters, and those who were nearly related to them in Blood. But it was always unlawful from the Beginning, to violate one's Father's Wife, or Concubine; therfore the Patriarch *Jacob* said to his Son *Reuben*, [g] *Thou art poured out like Water; mayst thou not thrive, because thou wentest up to thy Father's Bed, thou hast defiled my Couch:* Therfore the Apostle *Paul*, the Doctor of the *Gentiles*, wrote of such Sacri-

[g] *Gen.* xlix. 4. according to vulgar *Lat.*

Sacrilege, in these Words, *It is reported, that ther is Fornication among you, and such Fornication as is not among the Gentiles, that one should have his Father's Wife: And ye are puffed up, and have not rather mourned, that he who hath done this Deed might be taken away from among you.* For the Apostle[h] judged, that he should be taken away from among Christians, who violated his Step-mother, saying, that such Wickedness was not done among the *Gentiles*, that is, the *Pagans*: It is true, and sufficiently evident, that God Almighty, in the Law of *Moses*, forbad to marry the Wife of a Father, Brother, and near Kinsman, or to lie with her. But as to that which is written in *Deuteronomy*, *that a Man should take the Wife of his deceased Brother, and raise up Seed unto his Brother*, it is not to be understood carnally, but to be kept spiritually; and he is a blind Doctor, who does not understand the Difference between the *Old Testament*, and the *New*, but still walks up and down blindfold with the Mist of Antiquity, and knows not that the *Law and Prophets prophesied until John, &c.* and whoever, with the *Jews*, pursues the Letter only, continues without the reviving Spirit, and the Grace of Christ, and eats the Crust only, not the Crumb. Great is the Distance between the killing Letter, and the Spirit which giveth Life: And he is a very ignorant, idle, insipid Doctor, who after so long Time, and so many Commentators on the Law of *Moses*, who have been inspired by God, will yet Judaize, in Contempt of Christ, and all the Holy Doctors: For in *Deuteronomy* we read, that[i] *if Brethren dwell together, and one of them dies without Children, &c.* to those Words, *the House of him that hath had his Shoe loosed.* Now as to this which is written in *Deuteronomy*, and in the Gospel,

[h] *Judicavit*, MS.
[i] *Deut.* XXV, 5, ——10.

spel, that *the Brother took the Wife of the deceased Brother, that he might raise up Seed unto his Brother*; it is not to be kept by Christians carnally, but spiritually: And when Spiritual Brothers dwell together, and the Brother who presides in the Church of God, passes from this World to Christ, then let his Brother undertake the Government of the Church, and raise up Spiritual Children to God, lest upon the failing of one Doctor, by reason of his mortal State, the Spouse of Christ, which is the Mother of us all, remain barren: And if any Doctor will not govern the Church, when the other is dead, not caring for the Salvation of others, but for his own, he shall then be one that hath his Shoe loosed, in Opposition to what the Apostle says, *Having your Feet shod with the Preparation of the Gospel of Peace.* If he will not sow the Word of God, when he may, but hides his Talent in a Napkin, that is, in torpid Sloth, the Church shall spit in his Face, as in the Face of one who deserves Confusion, and to be cast out into *outer Darkness, where shall be weeping and gnashing of Teeth.* But let one Doctor succeed another in governing the Church unto the End of the World, that Spiritual Children may be raised up to Christ from his Virgin Spouse. For he that will not labour for God, deserves no Reward.

146. A *Laodicean* Canon. [k] That no Christian presume to Judaize, or be present at Jewish Feasts.

[k] By this one wou'd suppose, ther were in this Age, Jews, in the *North* of *England*; but I know no other Proof of it.

Here Sir H. S. *breaks off with an* &c. *but the* Cot. *MS. from which it seems evident, that he published his Copy, contains the following Canons, or Excerptions, without any Break or Chasm, as I am assured by my*

my Learned Friend, who sent me a Latin Transcript of them.

147. An *Item.* That no Christian observe Pagan Superstitions, but express all manner of Contempt toward all the Defilements of the *Gentiles.*

148. A Canon of *Braga.* If any Man, following the Custom of the Pagans introduce Diviners, or Sorcerers, into his House, either to drive away Mischief, or to make Discovery of any Crimes committed, or attend the Lustrations of Pagans, let him do Penance five Years.

149. A Canon of the Saints. If any Christian sell a Christian into the Hands of *Jews* or *Gentiles*, let him be Anathema: For it is written in [a] *Deuteronomy, If any Man be caught trafficking for any of the Stock of Israel, and takes a Price for him, he shall be slain.*

[a] *Chap.* xxiv. 7.

150. Also a Canon of the Saints. It is therfore unlawful that they be made Bond-slaves to *Jews*, or *Gentiles*, whom Christ hath redeemed by the Effusion of his own Blood.

151. Of Tonsure. Tonsure took its beginning from the *Nazarites*, who preserving their Hair, after having lived an abstemious Life, consecrated to God what they had devoted to him. We find it also written in the Canons of the Saints, If any Catholick cut his Hair after the Manner of the Barbarians, let him be deemed an Alien from the Church of God, and from every divine Office of the Christians, till he make Satisfaction for his Offence.

152. Of *Peter*'s Tonsure. The Apostle *Peter* first used the Clerical Tonsure, by bearing on his Head a Resemblance of Christ's Crown of Thorns: Therfore an *African* Canon forbids a Clergyman to wear a long Hair, or Beard.

153. A

153. A *Roman* Canon also says. Let whatever Clerk is seen in the Church without his [b] Mantle, or Cope, or with his Hair or Beard cut after any other Fashion but the *Roman*, be Excommunicated. A Clerk ought not to wear the Monkish Habit, nor a Lay-man's Apparel. And if the Man use the Woman's Habit, or the Woman the Man's, let them be Excommunicated.

[b] *Colobium.*

154. An *Item.* A Clerk also ought not to bear Arms, nor to go into the Wars, because the Canons teach, that whatever Clerk dies in War, or in a Fray, Intercession shou'd not be made for him, either by the Oblation, or by Prayer; (yet let him not be deprived of Burial.) The Apostle also says, *No Man that warreth entangleth himself in Secular Affairs:* Therfore he is not free from the Snares of the Devil in worldly Warfare: Therfore all Bishops, Priests, and Deacons, are to be charged that they do not wear Weapons; but rather trust in the divine Defence, than in Arms.

155. An *Item.* Clerks also are to take care, that they be not Judges for the condemning Men [to Death.]

156. An *Item.* The Authority of the Canons, forbids any Bishop, or Clergyman, to give his Consent to the Death of any Man, whether Robber, Thief, or Murderer.

157. An *African* Canon. Let all Clerks, who are able to labour, learn both Arts and Letters.

158. It is ordained, that Priests be not sent hither and thither, without Distinction, by Bishops, Prelates, or Laymen, lest by their Absence the Peril of Souls be occasion'd, (especially the Death of Children without Baptism) and they neglect the Service of the Churches in which they are constituted.

159. A

159. A Canon of the Saints. Ther are two sorts of Clerks, one of Ecclesiastics, under the Government of the Bishop, the other *Acephali*, that is, Clerks, without an Head; of whom [c] *Gregory* says, If ther be any vulgar Clerk, not in the Holy Orders, that is, who are neither Priests, nor Deacons, that cannot contain themselves, they ought to have Wives, and to receive their Stipends apart from the rest. Let not Priests by any means marry, nor bear Martial Arms, but exercise the Spiritual Art Military.

c See *Gregory*'s Answer to *Augustin*'s first Question.

160. An *Item*, concerning Warfare. Know, that the Secular Power is quite different from the Spiritual. For it becomes good Secular Men to be Defenders of the Church, and Flock of Christ. But it concerns Spiritual Men to be Intercessors for all the People of God. A Soldier of Christ ought not to use human Arms, as many Testimonies declare. Let us begin with that of our God, and Lord Jesus Christ, who when he chose to suffer the Torment of the Cross, for Mankind, and was under Custody of the Soldiers, forbade *Peter* to fight with the Sword: And if he had not Allowance to fight on Account of the Injury offer'd to his Lord, what is more agreeable to Right, than that we shou'd imitate his Example? Know, that God saveth, not only by the Spear, and Sword, but rather by assiduous Prayers, and other divine Services. *Martius* also, the Holy Confessor of Christ, when he was commanded by *Julian* the Apostate, to bear Military Arms, said, That he was a Soldier of Christ, and therfore could not fight. We have also an useful Example from the Book of *Exodus*, *viz.* while *Joshua* fought with *Amalek*, *Moses* did not fight with Weapons, but prayed to God with his Hands stretched out toward Heaven;

and

and the People of *Israel* overcame; but when he let down his Hands, *Amalek* prevailed. By these, and many other Examples, it is declared that the Bishop, Priest, Deacon, or Monk, shou'd bear no Arms in Battle, but those only, of which it is read, *Above all, taking the Shield of Faith, by which ye may quench all the fiery Darts of the wicked one; take also the Helmet of Salvation, and the Sword of the Spirit, which is the Word of God.*

161. The Canon of the Saints, concerning Murder. If a Priest, or Deacon, commit Murder, let him be degraded, and do Penance to the end of his Life.

162. An *Item.* If any Clerk commit Murder, let him do Penance in Exile ten Years, and three of these in Bread and Water; then let him be received into his Country, if he have done his Penance well, so as to be approv'd by the Testimony of the Bishop, or Priest, or whoever it was to whom he was committed, that he has done his Penance well. Let him also make Satisfaction to the Parents of the murder'd Person; and if he do not, let him never be received into his Country; but be like *Cain*, a Vagabond and Strouler over the Face of the whole Earth. But if he committed the Murder thro' Chance, not wilfully, let him do Penance five Years, [e] or five *Lents*, more or less; three

[e] The *Lents* are inserted by interlining, in the MS.

N. B. These are the Penances of those that willingly submitted to Discipline, without being Excommunicated. But if any stood it out, and wou'd do no Penance, till they had Censure of Excommunication passed against them, their Penance was more severe still; as appears by the following Passage in the *Formulæ Veteres*, which come immediately after these *Excerptions* in the *Cot.* MS. *Cap. Exemplum de Excommunicatione, &c.* "Let not "Meat be given into the Hands of one that does Penance, "as an Excommunicate; but let it be laid before him on

" the Ground; and let not the Remainder be taken by " any Man, nor given to the Poor, but cast to the Swine, " or let the Dogs eat it: And let not such a Penitent " wash himself in a Bath, nor trim [his Hair, or Beard,] " nor cut his Nails, nor sleep in a Bed, even of Straw, " but on the bare Pavement. And let him go unarmed, " barefoot, clothed in Sackcloth. Let him mourn for " his Sins, Night, and Day, and beg Pardon of God by " Prayer, mix'd with Tears; let him not enter into the " Church, nor receive the Kiss of Peace; let him abstain " from Flesh, and Wine, and from the Embraces of *his* " Wife, and not Communicate, so long as he is doing " Penance, unless he be seized with Death." By this last Clause it appears, that an Excommunication was not, in this Age, taken off so soon as the Excommuicate submitted to the Church, and undertook to do Penance, as it was in After-Times. Further, you have in the Chapter, *De Excommunicatis, qui inviti ad pœnitentiam provocantur*, the Secular Punishments inflicted on them who despised the Censures of the Church, *viz.* " Some are to be chastised with Imprisonment, others " with Fetters, or Scourges; and let others incur the " Loss of their Money, Estate, or Country; let others " be laid under perpetual Servitude, either Divine or " Human." That is, I suppose, either to some Bishop, or Monastery, or else to their Temporal Lords.

three of these in Bread and Water. If he have consented to Murder, and it was actually committed, let him do Penance seven Years, or seven *Lents*; three of these in Bread and Water. If he designed Murder, but did not execute it, let him do Penance one Year. If one strike [another] so as to shed Blood, let him do Penance forty Days, in Bread and Water; if a Deacon [do this, let him do Penance] six Months; if a Priest, a Year. If one Layman kill another, let him abstain from the Church forty Days, and fast in Bread and Water, and afterwards do the Penance which the Priest shall assign him.

Next

Next follows, what in the Catalogue of Tracts belonging to this Volume, is entitled, Formulæ Veteres, & Præcepta de Confessione, Pœnitentiâ, & jejunio.

N. B. *I am assured by a Learned Hand, who has search'd the* Excerptions *of* Ecgbriht, *mention'd by Sir* H. S. *in the* Bodl. *Library at* Oxford, *that none of these Excerptions are in that Book, save the* 21 *first* Items.

A. D. DCCXL.

An Account of ECGBRIHT's Excerptions, as they stand in the MS. mark'd K. 2. in the Library of CCCC.

Ecgbriht's Excerptions, according to CCCC MS.

PREFACE.

THE *See of* Worcester *was held by three Archbishops of* York *successively,* viz. Oswald, Wulstan (*the Reprobate*) *and* Aldulf. *These three, probably, governed the Diocese of* Worcester, *by the same Canons that they govern'd their Province of* York, *that is, by the* Excerptions *of* Ecgbriht; *tho' with great Additions and Defalcations. The Book in which this Code is contained in* CCCC *did certainly belong to the Church of* Worcester, *and has, in the first Page, the Form of an Oath of Chastity, in these Words,* "*I* "*Brother* N. *do promise to God, and all his Saints,* "*that I will preserve the Chastity of my Body, accor-* "*ding to the Decrees of the Canons, and the Order to* "*be conferr'd on me, in the Presence of the Lord Bishop* "Wulstan." *The first six Pages contain many pious Admonitions, but nothing, beside this, to my present Purpose: And this seems a plain Proof, that the Transcript was made, while* Wulstan *was both Archbishop*

of York, *and Bishop of* Worcester, *that is, between the Years* 1001, *and* 1023. *The Alterations are so great, that we are not to wonder, that the Canons are not call'd,* The Excerptions of *Ecgbriht. From the 7th to the 13th Page, is a Letter from* Albin *to* Athelard, *Archbishop of* Canterbury; *from thence to the 17th, a Letter from* Alcuin (*the same with* Albin) *to* Eanbald *Archbishop of* York. *Then follows a Chapter, concerning the Doctrine and Example of Suppliers, another concerning those who preach well, and live ill; another concerning the Example of evil Priests: In the 19th Page is a Chapter concerning the Observances of Bishops. In the 20th Page, begin the* 21 Items, *which are the* 21 *first* Excerptions *of* Ecgbriht, *put all together, without any Division: I conclude, that these* Excerptions *were the* Canonical Code *for the Province of* York, *for* 300 *Years together, and how much longer we know not, tho' during these Ages, every Archbishop made such Variations, as he thought proper. Immediately after the* 21 Items, *it thus goes on.*

Lat. The Excerptions out of the Books of Canons begin here. (Without the short Preface, *We call those Rules*, &c.)

In Sir *H. S.*'s Numbering. *Augustinus Aurel. &c.* as in Sir *H. S.*

CCCC MS.

48. 1. [a] If ther arise Disputes in any Province, and Clergymen do not agree among themselves let a Reference be made to the greater See; and if they cannot there easily be discuss'd, let them be determin'd when a Synod is assembled. And if difficult Questions arise, let them be referr'd to the Apostolical See.

[a] By comparing this with the 48th *Excerption* of *Ecgbriht*, we may see that the Pope's Power was in a thriving Condition.

2. The

CCCC MS. Sir *H. S.*

2. The *Roman* Institution also says. Heed must be taken, that Causes be not referr'd to foreign Provinces, or Churches, where different Usages and a different Religion prevail; or to the Jews, who obey the Shadow, rather than the Truth; or to the *Britons*, who are contrary to all Men; or to Hereticks, tho' they study, and are well vers'd in Ecclesiastical Causes.

3. — — — 29.

4. *But this Canon ends at*, among them all, *in* CCCC MS. 34.

5. Also an Institution. Let Bishops, and Priests, instantly preach the Catholick Faith to the People, and instruct all Men by all Means, not only by Word, but by Example; and endeavour to keep up assiduous Reading, and Prayer.

6. — — — — 37.

7. — — — — 40.

8. — — — — 43.

9. Of the Ordination of Bishops. } 96.

10. Also, of the Ordination of Bishops.

11. Of the Ordination of Priests and Clerks. (Unless reasonable Necessity compel, *is not in* CCCC *MS. Instead of* Priests, and Deacons, *in Sir* H.S. Clerks *in* CCCC *MS.* 97.

12. — — — — 95.

13. Of Veiling of Virgins. That Virgins be not Veiled, nor Deacons Ordained, before [b] fiveteen Years, *&c.* 91.

[b] Sure it shou'd be twenty-five; yet Virgins used to be allow'd the Veil much sooner: But if *Ecgbriht*, or rather *Wulstan*, did not, it speaks their Wisdom.

14. *Ending at*, of an Apostle. 90.

15. Of secular Cares. Let not the Bishop, Priest, or Deacon, take any secular Cares on himself; if he act contrary to this, let him be deposed:

And let not the Bishop concern himself with the Family Affairs of his single Church, but attend on Reading, Prayer, and Preaching of the Word of God: And let him have cheap Furniture for his House, and low Diet: And let him consult the Authority of his Dignity [c] by the Merit of his Faith, and Life, and with the Apostles endure [d] Penury.

[c] MS. *Fidem, & per vitæ meritum.* I read, *per fidei, & vitæ meritum.*

[d] MS. *Perjuriam.* I read, *penuriam.* Perhaps it might be, *injuriam.*

Sir H. S. | CCCC MS.

44. 16.

45. 17.

49. } 18.
50. }

51. 19. A Canon of [e] *Epone.* *See the Edition of Sir* H. S.

[e] Yet I find no such Canon in that Council.

52. 20.

21. A Canon of the Apostles. Let the Bishop have the Care of all Things belonging to Churches, and dispense them as under the Divine Inspection; nor may he [f] appropriate any of them at all to himself, or give to his Parents what belongs to God. But if they are poor, he may relieve them as poor. Let not what belongs to the Church be [g] wasted by Occasion of them.

[f] Lat. *Contingere.* And this is according to the ancient Translation publish'd by *Justellus*, which cannot, I think, be reconciled to the Original. See *Can. Ap.* $\frac{14}{15}$.

[g] *Deperdatur*, MS. *Deprædetur*, the ancient Translation now mention'd.

CCCC MS. Sir *H. S.*

22. A Canon of *Orleans.* Let all Churches, which are, or shall be built in various Places, according to the Direction of former Canons, be under the Power of that Bishop in whose Territory they are situate.

23. — — — — 56.
24. — — — — 57.
25. — — — — 58.
26. — — — — 60.
27. — — — — 62.
28. — — — — 63.
29. — — — — 64.
30. — — — — 65.
31. — — — — 66.
32. — — — — 67.
33. — — — — 68.
34. — — — — 69.
35. — — — — 70.
36. — — — — 71.
37. — — — — 72.
38. — — — — 74.
39. *But this Canon, in* CCCC *MS. ends at,* and Excommunicated. 75.
40. — — — — 75.

41. Let no one dare to strip the Church, whatever her prime Governors are. For the Sons of *Aaron* and *Eli,* were wicked; and yet God did not withdraw from them the Offerings of the People. *Annas* and *Caiaphas* received the Offerings of the People, tho' they crucified Christ.

42. *Jerom.* Tho' Prime Governors, when wicked, destroy themselves, yet the Church remains without Fault. Christ, tho' he knew *Judas* wou'd betray him, yet took not from him the Bags.

CCCC MS. Sir H. S.

53. 88.
54. 89.
55. 110.
56. 90.
57. 91.
58. 92.
59. 93.
60. 94.
61. 105.
62. 99.
63. 102.
64. 103.
65. 148.

66. A Canon of *Carthage*. They who attend Auguries, or Incantations, are to be separated from the Church, according to the stated Measures of Penance.

67. A Canon of the Bishops. [i] If a Catholick clip his Hair, after the Manner of the *Barbarians*, let him be esteem'd an Alien from the Church of God, and from the Table of Christian Men, till he correct his Fault. Let not a Clergyman have a long Hair, or Beard. 151.

[i] The latter part of Canon 151, in the *Cot.* MS. is very like to this.

68. An *African* Canon. *To the Word*, Burial. 154.

69. An *Item*. *Beginning at*, A Clerk ought not, *&c.* 153.

70. Bishop *Basil*. It shall not be lawful, either to pray, or speak, or eat with an Excommunicate.

71. A Canon of the Holy Fathers. If any Man be deprived of Communion by his own Bishop, let him not be received by others, before he is reconciled to his Bishop; or, however, comes to the Synod, when assembled, and makes Satisfaction for himself. Let this Determination

be

Sir *H. S.* CCCC MS.

be in Force, as to Laymen, Priests, and Deacons; and to all that are known to be [k] under the Rule.

[k] All Clerks, and Monks.

156. 72. *At the End of the Canon is added,* Lest he destroy Innocency: *Or,* Lest he lose [his] Innocency.

73. A Canon of the Fathers. If any Bishop condemned by a Synod, or a Priest, or Deacon, by his Bishop, dare to concern themselves in the sacred Ministry; whether he be Bishop, [l] (according to the preceding Custom) or Priest, or Deacon, let no Room for Satisfaction, or Hope of Restitution, be allow'd him, in another Synod: But all that communicate with him, even the Greatest, are to be cast out of the Church, if after they know that Sentence hath been passed against them, they attempt to Communicate with them.

[l] This Parenthesis seems to refer to something said in the foregoing Canons in that System, to which it originally belong'd, but what that System was, I know not. The *Syntax* is obscure in the following Clause.

74. A Canon of the Fathers. If a Bishop, or one in Orders, be an habitual Drunkard, let him either desist, or be deposed.

75. *Basil.* If any one be guilty of Detraction toward his Superior, let him do Penance, by being separated from the Ecclesiastical Assembly for seven Days, as *Mary,* the Sister of *Aaron,* [was] when she had been guilty of Detraction toward *Moses.*

33. 76. A Canon of the Apostles. *Only the Word,* Bishop, *is omitted.*

CCCC MS. Sir *H. S.*

77. —— —— —— —— 31.

78. —— —— —— —— 127.

79. An *Item.* The Canons teach, that whosoever hath married a Widow, or divorced Woman, or hath himself been twice married, be never made a Deacon, never a Priest.

80. An *Item.* 116.

81. Of Abstinence. The *Greeks*, and *Romans*, contain themselves from Women, for three Days, before [they receive] the Shew-bread, according to what is written in the Law.

82. —— —— —— —— 38.

83. *No Title. The Sense is entirely the same, tho' not the Words.* 120.

84. Pope *Innocent.* He who marries another Wife, she that is divorced yet living, and he who marries the divorced Woman, are both of them Adulterers. The Lord says in the Gospel, *whosoever puts away his Wife, except for Fornication, and marries another*, &c.

85. *Jerom* says. It is Fornication only, which overcomes a Man's Affection to his Wife: Nay, when she hath divided the one Flesh into another, and by Fornication separates her self from her Husband, she ought not to be retained, lest she bring her Husband too, under a Curse, since the Scripture says, [a] *He that retains an Adulteress, is foolish and wicked.* The Wife, therfore, is freely dismiss'd, where-ever ther is Fornication in the Case: And because it might happen, that Innocency might be calumniated, and the first Marriage might be impeach'd for the sake of a second Match, a Man is commanded so to dismiss his first, as not to marry a second, in her Life-time: It is as if he had said, *Upon Condition you*

[a] *Prov.* xviii. 23. according to LXX, and Vulgar Latin.

Sir *H. S.* CCCC MS.

you do not dismiss your Wife for the sake of Lust, but of Injury done.

85. Also *Jerom.* [b] If a Man, or Woman, by Consent become Religious, the other being very young, may engage in a new Marriage.

[b] This Notion was started in *Ecgbriht's* Time, but was justly condemn'd by him, *Excerpt.* 118. yet now it prevailed. It does not appear, that *Jerome* ever countenanced this Practice, but rather the contrary.

86. An *African* Canon. Let the Priest enjoin Laws of Penance to him that earnestly desires it, without Respect of Persons.

39. 87. *African* Canon. *Omitting*, to some.

88. *Basil* the Bishop. A Penitent ought cordially to be received in the Manner declared by our Saviour, when he says, *The Man calls together his Friends and Neighbours, saying, Rejoice with me, for I have found the Sheep which I had lost.*

89. Also *Basil.* We ought so to behave our selves toward them who do [not] repent of their Sins, as our Lord charges us, when he says, *Let him be to thee as an Heathen Man and a Publican.*

90. A Canon of *Orleans.* [c] Penance is not to be enjoined to married Persons, but by Consent.

[c] The Penance he meant, is that foolish one of going into a Monastery, and taking a Vow of Chastity,

113. 91.

92. An *African* Canon. Times of Penance are to be decreed for Penitents, according to the Degrees of their Sins, at the Bishop's Discretion.

93. The *Romans* say concerning laps'd [Clergymen.] He that falls with his Degree, let him rise without it, and be content with the Name only.

Qu

CCCC MS. Sir H. S.

On the other side, it is said in the [d] Apocalyps *Remember from whence thou art fallen; and do Penance, and perform thy former Works.*

[d] *Rev.* iii. 5. This seems a Contradiction to the old Canons (which forbad a lapsing Clergyman to officiate ever after) but by a gross Misapplication of the Text.

94. Of Murder. *This MS. omits* the 5 and 7 *Lents*, more or less, *and assigns* seven Months Penance to *the Deacon who hath shed Blood. After those Words*, If a Priest, a Year, *it thus goes on*, Let him who kills a Monk, or Clerk, lay aside his Arms, and serve the Lord in a Monastery, or do Penance seven Years in Exile. The Doom of him who kills a Bishop, or Priest, belongs to the King. Let him who kills a Layman, out of premeditated Malice, or to get his Inheritance, [do Penance] three, five, or seven Years; if it were for the Revenge of his Brother, but one Year and three *Lents*, and the stated Week-days in the two following Years; if by sudden Violence, three or five Years; if by Chance, one Year; if in publick War, forty Days. Let the Freeman who kills an innocent Person at the Command of his Chief, do Penance one Year, and three *Lents*, and the stated Week-days in the two following Years. Let him who by striking a Man in a Fray has brought a Man to a State of Weakness, or Deformity, pay the Charge of the Physicians, and make amends for his Blemish, and for [the Loss of] his Work, till he be cured, and do Penance half a Year: And if he be not able to make [such] Restitution, then a whole Year. Let him that riseth up to strike a Man, with an Intent to kill him, do Penance three Weeks; but if he hath wounded him, forty Days; if he be a Clerk, one Year, and let him pay a Fine in Proportion to the 162

r *H. S.* CCCC MS.

the Wound; for the Law [e] enjoins this. Let the Woman that destroys her Conception designedly, before forty Days, do Penance one Year; if after forty Days, three Year; if she were quick with Child, as a Murderer. But the Difference is great between a poor Woman, that does it by reason of the Difficulty of nursing it, and a Whore, [who does it] to conceal her Wickedness.

e Lat. *Commendat.*

95. Of Penance for Neglect of Baptism. Let the Parent, whose Child is dead without Baptism, thro' his Neglect, do Penance one Year, and never live without Penance. If the Priest, whose Duty it was, neglected to come, tho' ask'd, let him be chastised by the Doom of the Bishop, for the Damnation of a Soul. But all the faithful may do this, when they find any dying unbaptized; nay, it is commanded that Men should snatch a Soul from the Devil, by Baptism; that is, by baptizing them with Water simply blessed in the Name of the Lord, by immersing them, or pouring Water upon them, in the Name of the Father, the Son, and the Holy Ghost. Therfore they who can, and know how to baptize, faithful Monks especially, ought always to have the [f] Eucharist with them, tho' they travel to Places far distant.

f The Eucharist was to be given to the new-baptized Infant.

96. From the Council of *Braga*. Concerning those who by any Fault inflict Death on themselves, let ther be no Commemoration of them in the Oblation, as likewise for them who are punish'd for their Crimes. It seems fit, that they who kill

kill themselves with a Sword, with Poison, by a Precipice, or an Halter, or by any other violent Means, have no Commemoration made for them in the Oblation; and that their Corpses be not carried to the Grave with Psalms; for many have presumed to do this thro' Ignorance. The like must be done in Relation to them who are punish'd for their Crimes.

Then immediately follows, in the CCCC MS. *The Excerption of the Lord* Ecgbriht, *Archbishop of the City of* York, *out of the Catholic Fathers: Or, The Penance or Remedy for Souls, begins here.*

A. D. DCCXLII.

King Ethelbald's Grant of Privileges.

PREFACE.

THE following Council, and the Privilege therein granted, hath been condemned as a Fraud, because interpolated into the Cotton *Copy of the* Chronicon Saxonicum, *and a Rasure made to make room for it, in that Book. But I am apt to think that this is the first Instance, that any ancient Fact was ever proved to be a Forgery, because it was put into a Book where it was not before. Not only a Falsarian Knave, but any Learned Man of Integrity, wou'd take care to have a Thing of this Nature registred in its proper Place, tho' the one does it with some base View, the other*

ther to inform Posterity. But it was a Monk of Canterbury *who did this: Yet I must have leave to say, this is more than has been yet proved; and if it were never so evident that it was a Monk of* Canterbury, *yet it will scarce be granted, that this alone will convict him of Forgery: It is to be hoped, that many an honest Man has lived and died a Monk of* Canterbury. *And I must needs say, that if he were a Monk of* Canterbury, *he had more of the Fool, or the simple-hearted Man, at least, than of the Knave. If he had had the Interest of his own House in his Eye, he wou'd never have forged a Council, and a Charter, whereby the Privileges of the* Kentish *Monasteries were really lessen'd. For by the Grant of King* Wihtred, *they were wholly exempt from Taxes, or Tribute, but in this of* Cloves-hoo, *they were obliged to contribute to any military Expedition, and to the building of Castles and Bridges. Tho' King* Wihtred's *Decree is here much extoll'd, yet one main Point of it, (the Church's Immunity from Taxes) is set aside: If the Monks forged it, they put a Cheat on themselves. They had, indeed, here the Freedom of Elections confirmed to them. And this, I conceive, was a Right never deny'd to the Church, by the Legislative Power of the Nation, before the Reign of King* Henry VIII. *Kings did in Fact very often, and after the Conquest, for the most part, over-rule the Monks, or other Electors, and by management oblige them to elect such Persons for Bishops and Abbots, as they nominated to them; but even those Kings who carried it with the highest Hand in this Respect, have yet upon Occasion confess'd the Right to be in the Chapters. And not only the Canons of the Church, and the Decrees of Popes, but the Laws and Statutes of the Land, did expresly reserve the Freedom of Elections to the Cathedral, and Monastick Bodies. The Grants of King* Wihtred *and King* Ethelbald *say no more in this Respect, than the Statutes of* Westminster, *in the Reign of King* Edw. I.

and

and the Articuli Cleri *in the Reign of King* Edw. II. *Acts of Parliament were not thought such inflexible Things 2 or 300 Years ago, as they are at present. Sir* H. S. *published this Council from two MS. Copies; one whereof was* Josceline's, *the famous Antiquarian. It is true, some Monks, and perhaps they of* Canterbury, *had made some Enlargements of King* Ethelbald's *Privileges, and drawn formal Confirmations and Alterations of them, which the Reader may see in Sir* H. S. Vol. 1. p. 256. *Mr.* Somner, *in his Notes on these Charters, gives a Transcript of another Edition of the following Council, found, indeed, in the Archives of* Christ's-Church, Canterbury, *in very ample Form, with the Subscription of fourteen Bishops, beside* Cuthbert, *one* Offa Patricius, *four Dukes, one Abbot, and five others. This last is drawn in such miserable Latin, that I scarce know any thing of this sort to be compared to it. I take them all to be certainly spurious. But I have before observed, that they used to graft such spurious Imps upon true old genuine Stocks: And the Copy here translated by me, I take to have been that Stock.*

A. D. DCCXLII.

THis Year a great Council was held at *Clovesho*, *Ethelbald* King of the *Mercians*, presiding, with *Cuthbert* Archbishop of *Canterbury*, and the rest of the Bishops sitting with them, to examine all necessary Points of Religion, and of the Creed, deliver'd to us by the ancient Institutes of the Holy Fathers. And they diligently enquir'd how Matters were order'd here, in relation to Religion, and particularly as to the Creed, in the Infancy of the Church of *England*, and in what Esteem Monasteries then were, according to Equity.

Lat. *Sir* H. S. Vol. 1. P. 230.

While we were making this Enquiry, and reciting ancient Privileges, ther came to Hand that Privilege of the Churches, and Ordinance of the

glorious King [a] *Wihtred*, concerning the Election and Authority of [the Heads of] Monasteries, in the Kingdom of *Kent*; how it is ordered to be confirm'd by the Command and Option of the Metropolitan of *Canterbury*. And the said Privilege was read, at the Direction of King *Ethelbald*, and all that heard it said, ther never was any such noble and wise Decree, so agreeable to Ecclesiastical Discipline; and therfore they enacted, That it should be firmly kept by all.

[a] See the Council held at *Becanceld*, *A. D.* 692. and observe how *Wihtred*, the King of the least in Extent, of all the seven Kingdoms into which *England* was then divided, was here honour'd by *Ethelbald*, the greatest of the present *English* Monarchs, for his Zeal and Devotion to the Church.

Therfore I *Ethelbald*, King of the *Mercians*, for the Health of my Soul, and the Stability of my Kingdom, and out of Reverence to the Venerable Archbishop *Cuthbert*, confirm it by the Subscription of my own munificent Hand, that the Liberty, Honour, Authority, and Security of the Church of Christ be contradicted by no Man; but She, and all the Lands belonging to her, be free from all Secular Services, except [Military] Expedition, and building of a Bridge, or a Castle. And we charge, That this be irrefragably and immutably observ'd by all, as the aforesaid King *Wihtred* ordain'd, for him and his.[b]

[b] *Joceline*'s Copy says Sir *H. S.* ended here.

If any of the Kings my Successors, or of the Bishops or Princes, attempt to infringe this wholesome Decree, let him give Account of it to Almighty God at the Tremendous Day.

If an Earl, Priest, Deacon, Clerk, or Monk oppose this Constitution, let him be depriv'd of his Degree, and separated from the Participation of the Body and Blood of the Lord, and be far from the Kingdom of God, unless he first make amends for his Insolence, by agreeable Satisfaction; for it is written, *Whatever ye bind on Earth*, &c.

A. D. DCCXLVII.

CUTHBERT'S Canons at *Cloves-hoo.*

PREFACE.

BOniface, *an* Englishman, *born in the Year* 670. *but of great Fame for his Piety and Learning, especially for his Zeal in converting Infidels, was made Archbishop of* Mentz *in* Germany, *and Legate of the Apostolical See: He writes a Letter to* Ethelbald, *King of* Mercia, *commending him for his Charity and Justice, and for the Preservation of Peace in his Kingdom, but reprehends him with great Severity, for his Loosenes with Women, and particularly with Nuns. He charges him also with Sacrilege, in robbing Churches, and Monasteries, and terrifies him with the Example of his Predecessor* Ceolred, *King of* Mercia, *and of* Offred *King of* Northumberland, (*the two first* English *Kings who, if we may believe* Boniface, *violated Ecclesiastical Privileges*) *for he affirms it as a Thing very certain and notorious, that they both came to a miserable untimely End. This Letter was sent inclos'd in another, to* Heresfride *the Priest, who was probably*

a Domestic to King Ethelbald, *if not his Confessor: For* Boniface *tells him, he had heard that the King had sometimes given Ear to his Admonitions, and therfore he had made Choice of him, to read and explain the Letter to King* Ethelbald, *as being one that regarded not the Persons of Men: And concludes, that it was his Love to his native Country, which was grievously corrupted by this Royal Example, which prompted him to this Undertaking; and that he had sent him a piece of Incense, and an Handkerchief, as a Token of his Love and Benediction.*

He wrote also a long Letter to Cuthbert, *Archbishop of* Canterbury, *wherein he gratefully mentions a Letter receiv'd from him, by the Hands of his Deacon, and reminds him of the singular Duty of a Bishop that wears a Pall, beyond what is required of them who have only the Care of their own Parishes: He gives him a Copy of the Decrees made in a* German *Synod, at which he presided; which was a handsome way of recommending them to* Cuthbert's *Imitation: He insists largely, and with Vehemence, on the Burdensomeness of the Office of a Metropolitan; and declares himself disposed to quit his Dignity, if he could find any thing in the Scripture, or the Fathers, to countenance him in so doing: He cries out,* Let us not be dumb Dogs, and silent Watchmen: *As if he thought his Brother* Cuthbert *wanted the Spirit of Reprehension, which he thought necessary to be exercised upon a licenteous King. He complaineth of the Bishops here, as being very defective in their Duty, tho' they received the daily Oblations, and the* Tithes, *from the People. He calls upon him to stop all Nuns, and other Women, from going in Pilgrimage beyond Sea; Because, says he, ther is scarce a City in* France *or* Lombardy, *where ther is not an* English *Whore. He declares the Necessity of Excommunicating even Kings and Emperors, if they are guilty of usurping Bishopricks or Abbies; and gives them very hard Names. He inveighs against gaudy Apparel, and declares it to be a*

Sign of the coming of Antichrist. *He calls upon him to assemble a Synod, and condemn all Drunkenness in Clergymen, and gives a broad Hint, that even our Bishops, here in* England, *were not altogether free from this Vice. And lastly, he complains heavily, that Monks were forced to work for the King, and particularly in his Buildings, which he asserts was done no where in* Christendom, *but in* England *only. Hereupon a Council was called.*

A. D. DCCXLVII.

IN the perpetual Reign of our Lord Jesus Christ, who orders all Things at the Command of the Father, and by the lively Grace of the Holy Spirit. The under-written Acts were done in Synod, at the beginning of *September*, near the Places called *Cloves-hoos*; these Prelates of the Churches of Christ, beloved of God, being present, *viz.* The Honourable Archbishop *Cuthbert*; and the venerable Prelate of the Church of *Rochester*, *Dun*; and the Most Reverend Bishops of the *Mercians*, *Totta*, and *Huita*, and *Podda*; and the most approved Prelates of the *West* [*Saxons*], *Hunferd*, and *Herewald*; and the venerable Priests *Heardulf* of the *East-Angles*, and *Ecgulph* of the *East-Saxons*, and *Milred* of the [a] *Huiccians*; also the Honourable Bishops *Alwik* of the Province of *Lindisse* [b], and *Sicga* of the *South-Saxons*, in the Year of our Lord's Incarnation 747, Indiction 15, the 32d Year of the Reign of

Lat. Sir H. S. Vol. 1. p. 245.

[a] *Worcester*, and all the adjacent Country to the *Severn*.

[b] Now *Lyndsey*. It is evident that this was only a Provincial Synod: Not one of the *Northumbrian* Bishops were present. It was purely an Ecclesiastical Assembly, the King and Great Men were there only to give Countenance and Protection to the Ecclesiastics. *Lyndsey* is called a Province, (see *c.* 9.) that is, a Parish, or Diocese.

of *Edilbald*, King of the *Mercians*, who was then present, with his Princes and Dukes.

When the said Prelates of the Sacred Order, of divers Provinces of *Britain*, with many Priests of the Lord, and of those of the Ecclesiastical Order in lesser Dignities, met the venerable Archbishop *Cuthbert* at the Place of Synod, and they were set down to treat of, and settle the Unity of the Church, and the State of Christianity, and a peaceable Agreement, after a devout mutual Salutation, the Writings of Pope *Zachary*, (the Pontiff, and Apostolical Lord, to be venerated throughout the World) in two Papers, were in the first place produced, and publickly recited, and explained in our own Tongue, as he himself, by his Apostolical Authority enjoin'd: In which Writings the famous Pontiff *Zacharias* admonish'd, in a familiar Manner, the Inhabitants of this Isle of *Britain*, of our Stock, of every Rank and Degree of Quality, and authoritatively charged them, as present before him, and lastly, in a loving Manner intreated them, and hinted, among other Things, that a Sentence of Anathema shou'd be certainly publish'd against them that persisted in their pertinacious Malice, and Contempt of all this; as is evident to those who read [these Papers]. After the reading thereof, and the terrible Invective Admonition, the Prelates, who were promoted by God to be Masters to others, betook themselves to mutual Exhortations: And contemplated themselves, and their Office (by which others were to be instructed in the Service of God) [c] in the Homilies of the blessed Father *Gregory*, and in the Canonical Decrees of the Holy Fathers, as in a bright Mirror.

[c] I delete the Full-point before *in*, and the Conjunction *quoque*.

1. And

1. And then, in the Front of their Decrees, they established it with an authentic Sanction, That every Bishop be ready to defend the Pastoral Charge entrusted with him; and the Canonical Institutions of the Church of Christ (by God's Protection and Assistance) with their utmost Endeavour, against the various and wicked Assaults [that are made upon them]; nor be more engaged in Secular Affairs, (which God forbid) than in the Service of God, by looseness in Living, and tardiness in Teaching; but be adorned with good Manners, with the abstemious Virtues, with Works of Righteousness, and with learned Studies, that so, according to the Apostle, they may be able to reform the People of God by their Example, and instruct them by the preaching of sound Doctrine.

2. In the second place, they firmly agreed with a Testification, that they would devote themselves to intimate Peace, and sincere Charity, perpetually, every where amongst them to endure; and that ther be a perfect Agreement of all, in all the [d] Rights of Religion belonging to the Church, in Word, in Work, in [e] Judgment, ([f] without flattering of any Person,) as being Minister of one Lord, and Fellow-Servants in one Ministry; that tho' they are far distant in Sees, yet they may be joined together in Mind by one Spirit, serving God in Faith, Hope and Charity, praying diligently for each other, that every one of them may faithfully finish their Race.

[d] My Learned Friend reads *juris* for *viris*, and it shou'd be *juribus:* This is but a small Error, if compared with some others of this blundering Transcriber. By *Rights*, or *Rites* of Religion, they mean the Sacraments, Sacramentals, and Discipline of the Church; so *jura* signifies again, in *Ecgbriht's Excerpt.* 750. *c.* 1. ---- 20. It seems to me a perfect Saxonism; that is, a Latin Rendition of the *Sax.* Rihta. See *Ca.* 11.

[e] That is, inflicting Penance.

See *Can.* 27.

3. In the third place they enacted, that every Bishop do every Year visit his Parish, by travelling thro', going about, and making an Inspection into it; and that he call to him at convenient Places, the People of every Condition and Sex, and plainly teach them who rarely hear the Word of God; forbidding them, among other Sins, the Pagan Observances, Diviners, Sorcerers, Auguries, Omens, Charms, Incantations, or all the Filth of the Wicked, and the Dotages of the *Gentiles*.

4. In the fourth Article of Agreement they have determin'd, that the Bishops do admonish the Abbots and Abbesses, within their Parishes, that they be Examples of good Life, and take diligent Care that their Subjects be regular in their Conversation; yet so as that they remember to love them as their own Families in the Lord; to treat them not as Servants, but as Children; to provide Necessaries for them, according to the Monastic Way of Life, and to their utmost Ability; that they fully discharge their Trust, as to the Estates of their Monasteries, and by all means take heed [g] that they be not robb'd of them.

[g] Lat. *Ne aliqua subripiat illos*, which makes no Sense. Sir *H. S.* corrects it thus, *ne aliquis subripiat illas* [*res*]: And this must, I conceive, be the Sense, however you correct the Words.

It was argued in the fifth place, That it is necessary for Bishops to go to the Monasteries (if they can be called Monasteries, [h] which in these Times cannot be in any wise reformed according to the Model of Christianity, by reason of the Violence of Tyrannical Covetousness) which are [i] we know not how possess'd by Secular Men; not by Divine Law, but by presumptuous human Invention; yet they

[h] I delete *quamvis*, as perfectly superfluous.
[i] The true Reading is, *utcunq;* not *utrunq;*

they ought to go, for the Health of the Souls of them who dwell therein; and that they provide among their Incitements [to Reformation] lest what is already in a declining State, be farther risqued, for want of the Ministry of [a] a Priest, by the help of their present Possessors.

[a] By *Priest* here, is, I suppose, meant Bishop; as in the Acts, or Preface, and frequently in all Writers. It can scarce be supposed, that these Monasteries which are govern'd by Laymen, were destitute of an officiating Priest.

6. It is ordained by the sixth Decree, that Bishops ordain no Monk, or Clerk, to the Degree of a Priest, till they first make open Enquiry into his former Life, and into his present Probity of Manners, and Knowledge of the Faith. For how can he preach sound Faith, or give a Knowledge of the Word, or [b] discreetly injoin Penance to others, who has not earnestly bent his Mind to these Studies; that he may be able, according to the Apostle, to *exhort with sound Doctrine.*

[b] Here you see for what Purpose Men in this Age confess'd their Sins to the Priest, *viz.* Because he alone knew what Penance was to be enjoined for every Sort and Degree of Sin, not in order to obtain Absolution. *Petit's Collections*, publish'd with *Theodore's Penitential*, are full of Proof, as to this Point.

7. They decreed in the seventh Article of Agreement, that Bishops, Abbots, and Abbesses, do [c] by all means take care, and diligently provide, that their Families do incessantly apply their Minds to Reading, and that it be made known by the Voices of many to the gaining of Souls, and to the

[c] Sir *H. S.* read, *omi----u*, my Friend reads, *om----u*. He supposes three Letters wanting, *viz. nin*, and that *u* is put for *o*, (as five Lines below *putius* is put for *potius*) and that therfore the Word shou'd be *omnino*.

the Praise of the Eternal King. For it is sad to say, how few, now-a-days, do heartily love and labour for Sacred Knowledge, and are willing to take any Pains in Learning; but they are from their Youth up, rather employed in diverse Vanities, and the Affectation of Vainglory; and they rather pursue the Amusements of this present unstable Life, than the assiduous Study of the Holy Scriptures. Therfore let the Boys be confin'd, and trained up in the Schools, to the Law of Sacred Knowledge, that being by this means well-learned, they may become in all Respects useful to the Church of God. And let not the [d] Rectors be so greedy of the worldly Labour [of the Boys] as to render the House of God vile, for want of Spiritual Adornment.

[d] *Rectors* were the Heads of Religious Houses, and *Incumbents*, as we now speak, in lesser Churches, who had their Schools for training up young Monks, and Clerks, and who obliged their Scholars to bodily Labour: Therfore they were not here forbidden absolutely to labour, but only so far as was inconsistent with their Learning.

8. Under the eighth Head, they admonished Priests incessantly to remind themselves to what Purpose they are promoted above others, by divine Ordination, that they are called *God's Ministers, and Stewards of the Mysteries of Christ*, and then that *it is required of Stewards, that a Man be found faithful*: Therfore let them know, that it is necessary for them, in Regard to God, to desist from Secular Business, and [e] Causes, so far as they can, to discharge their Duty at the Altar, and in divine Service, with the utmost Application; that they carefully

[e] One great Affectation of the Clergy of Old, was to become Lawyers; and this is very often condemned in the ancient Canons.

carefully preſerve [f] the Houſe of Prayer, and all its Furniture; that they ſpend their Time in Reading, Celebration of Maſſes, and Pſalmody: That they be mindful, according to their Duty injoin'd them by God, to be [g] Aſſiſtants to their Abbots, and Abbeſſes, with Diligence and Fidelity, whenſoever ther [h] ſeems to be Occaſion for it; that is, in admoniſhing, reprehending, and exhorting their Subjects; that others, by their Example and Advice, may be incited to the Service of God.

[f] Lat. *Oratorii domum converſare*, read *conſervare*.
[g] By this it ſeems evident, that the main of the Prieſts were yet in Monaſteries.
[h] The Word here wanting in Sir *H. S.* is *viatur*, in the MS. for *videatur*, as I ſuppoſe.

9. They added orderly, in the ninth Head, that Prieſts [i] in Places and Diſtricts aſſigned to them by the Biſhops of the Province, take care to diſcharge the Duty of the Apoſtolical Commiſſion, in Baptizing, Teaching, and Viſiting, according to lawful Rites, with great Diligence, that they may, according to the Apoſtle, *be accounted worthy of double Honour*. And let them by all means take care, as becomes the Miniſters of God, that they do not give to the Seculars or Monaſticks, an Example of ridiculous or wicked Converſation; that is, (to ſay no more,) by Drunkenneſs, Love of filthy Lucre, or obſcene Talking, and the like.

[i] This is meant of Secular Prieſts, in their *Pariſhes*, as we now ſpeak; tho' it is not certain, that any Prieſts were yet ſettled in ſuch Churches during Life. See Law of *Wihtred* the 4th, 696. Monks in Prieſts Orders were ſometimes ſent, in this Age, to officiate in Country Diſtricts.

10. In the tenth Decree they taught, that Prieſts ſhou'd learn to know how to perform, according to the lawful Rites, every Office belonging to their Orders:

Order: And then let them who know it not, learn it, rehearse and explain in our own Tongue, the Creed and Lord's-Prayer, and the Sacred Words which are solemnly pronounced at the Celebration of Mass, and in the Office of Baptism: Let them also take care to learn what those Sacraments which are visibly performed in the Mass, Baptism, and other Ecclesiastical Offices, do spiritually signify; lest they be found dumb and ignorant in their Intercessions which they make to God, for the Atonement of the Sins of the People, or in their own Ministerial Offices, if they do not understand the Meaning of their own Words, [nor] the Sacraments, by which others, thro' them, are making Proficiency to Eternal Life.

11. They went on with an eleventh Mandate, That all Priests perform every Sacerdotal Ministry, every where, in the same Way and Fashion, in Baptizing, Teaching, and Judging; and, which is the principal Point, that their Sentiments concerning the Belief of the Trinity, be right, and sincere; and that they do, in the first place, teach all that come to take Directions concerning their own Life, from them, that *without Faith it is impossible to please God*: And that they instil the Creed into them, that they may know what to believe, what to hope for; and that they propose it [k] to Infants, and to them who undertake for them in Baptism, and teach them the Renunciation of Diabolical Pomps, and Auguries, and Divinations; and afterwards teach them to make the establish'd Professions.

[k] The Questions in the Baptismal Office were always supposed to be put to the Child, not to the Sureties. Now, indeed, the Surety is ask'd, *Dost thou, in the Name of this Child, renounce*, &c.? But in the old Rituals, it was simply, *Dost thou renounce*, &c.? So it was in our Common-Prayer-Book, before the Rebellion: And I cannot think that this Alteration was for the better. This is sometimes call'd Catechizing.

12. They

12. They added in the twelfth Article, that Priests do not prate in the Church, like Secular Bards, nor dislocate or confound the Composure and Distinction of the Sacred Words, by a Pronunciation like that of Tragedians, but follow the plain Song, or holy Melody, according to the Custom of the Church. Let him who cannot attain to this, simply read, pronounce, and rehearse the Words, as the present Occasion requires.

[a] And let them not presume upon what belongs to the Bishop.

In the mean time, let Priests not presume or attempt, in any wise, to perform any of those Things, which are peculiar to the Bishops in some of the Ecclesiastical Offices.

[a] These two Lines seem plainly to have been the Rubrick, or Title, of the following short Canon: And it is to be observed, that ther is a Rubrick to every one of these Canons, in the old *Cotton* MS. which I have omitted, for Brevity's sake. The following Lines are the Canon it self. Sir *H. S.* has made both the Rubrick and Canon a part of the former. It seems plain from this, that the Numbers, and the short Preface to every Canon, was the Addition of a Transcriber, or of the Actuary.

13. It is determined by the thirteenth Decree, that the Holy Festivals of our Lord's Occonomy in the Flesh, be uniformly observed, *viz.* in the Office of [b] Baptism, and the Celebration of Masses, in the [c] Manner of singing, according to the written Copy which we have from the *Roman* Church. And that the Nativities of the Saints, thro'

[b] *Viz.* That Baptism be administred at *Easter* and *Whitsuntide* only, not at Christmas; tho' perhaps at *Epiphany*, and at any time, in Case of Danger.

[c] This is meant of what was done by *John* the Precentor of the Church of St. *Peter's*, *Rome*; of which see my Preface to this Volume.

thro' the Circle of the whole Year, be venerably kept on the same Day, according to the Martyrology of the said Church of *Rome*, with their proper Psalmody.

14. In the fourteenth place it is ordained, That the Lord's-Day be celebrated by all, with due Veneration, and wholly separated for divine Service. And let all Abbots and Priests, on that most sacred Day, remain in their Monasteries and Churches, and say solemn Mass; and laying aside all external Business, and secular Meetings, and Journeyings, except the Cause be invincible, let them by preaching, instruct the [d] Servants subject to them, from the Oracle of the Holy Scripture, the Rules of religious Conversation, and of good Living. It is also decreed, That on that Day, and the great Festivals, the Priests of God do often invite the People to meet in the Church, to hear the Word of God, and be often present at the Sacraments of the Masses, and at preaching of Sermons.

[d] Probably their Clerks, and Scholars.

15. In the fifteenth Head they have determin'd, That the seven Canonical Hours of Prayer, by Day and Night be diligently observed, by singing proper Psalms, and Canticles; and that the Uniformity of the Monastic Psalmody be every where follow'd, and nothing be read, or sung, which is not allow'd by common Use; but only what is derived from the Authority of Holy Scriptures, and what the Custom of the *Roman* Church permits; that so Men may unanimously praise God with one Mouth. In this they also agreed, that Ecclesiastics, and Monastics [e] remember to intreat the Pity

[e] This seems only a general Hint, that all such as are here mention'd, shou'd have Kings in their Thoughts, when they were offering their Devotions for others. See *c*. 27.

Pity of the Divine Clemency, not only for themselves, but for Kings, and for the Safety of Christian People, at the proper Hours of Prayer.

16. They agreed in the sixteenth Head, that the Litanies, that is, Rogations, be with great Reverence kept by the Clergy, and all the People, on these Days, *viz.* the [f] seventh of the Kalends of *May*, according to the Rites of the Church of *Rome*, where this is call'd the greatest Litany; and also according to the Custom of our Ancestors, on the three Days before our Lord's Ascension into Heaven, with Fasting till [g] Nones, and Celebration of Masses, not with a Mixture of Vanities, as is the Fashion of many, who are either negligent or ignorant; that is, with Games, and Horse-Races, and great Banquets; but rather with Fear and Trembling, with the Sign of Christ's Passion, and of our Eternal Redemption, carried before them; together with the Relicks of Saints. Let all the People, with bended Knees, humbly intreat the Pardon of God for their Sins.

[f] St. *Mark*'s-Day: But these Litanies were not intended in Honour to that Saint, but were instituted by Pope *Gregory* I. in Time of great Extremities.

[g] The ninth Hour; which was one of the seven Hours of Prayer; now three in the Afternoon.

17. It was constituted in the seventeenth Precept, That the Birth-day of the blessed Pope *Gregory*, and also the Day of the [h] Deposition of St. *Augustin*

[h] *Birth*, and *Deposition*, here signify the same thing, *viz.* the Day of their Death. *Litany* has two Significations in this Canon, *viz.* Processions, with Cross, and Relicks, carried before the People; and in the last Clause it signifies Prayers; Superstition was now growing apace in this Island. It shou'd seem the Feast of St. *Augustin* was now lately instituted, and for that Reason the Day is here particularly express'd; but *Gregory*'s was more ancient, and better known, and therefore ther was no occasion to name the particular Day.

gustin, the Archbishop and Confessor, (who being sent to the Nation of the *English*, by the said Pope our Father *Gregory*, first brought the Knowledge of Faith, the Sacrament of Baptism, and the Notice of the Heavenly Country,) which is the seventh of the Kalends of *June*, be honourably observed by all; so that each Day be kept with a Cessation from Labour, by Ecclesiastics and Monastics; and that the Name of our said Blessed Father and Doctor *Augustin*, be always mention'd in singing the Litany, after the Invocation of St. *Gregory*.

18. It was constituted in the fifth Mandate, That none neglect the [i] Times of the Fasts; that is, of the fourth, seventh, and tenth Month; but that the People be informed of them every Year before they begin, that so they may know and observe the establish'd Fasts of the Universal Church, and that all may do it in an uniform Manner, and make no Difference in the Observance; but take care to celebrate it according to the Rites of the Church of *Rome*, of which we have a written Copy.

[i] It seems unaccountable, that *Cuthbert* here shou'd speak of the *Ember*-Weeks, in so different a Manner from *Ecgbriht*, *Answ.* 16. when they were both of them Archbishops at this same Time; and both of them cite Pope *Gregory*'s Books for their Authority. But in Truth, I look on the Difficulty to be really none at all. *Cuthbert* did not mention the *Lent-Ember*, as being part of the Great *Lenten* Fast. But *Ecgbriht* considered it as a Fast abstracted from that of *Lent*, tho' in Theory only, not at all in Fact. So *Gelasius* mentions only the three *Embers* here set down by *Cuthbert*; yet he adds, that Priests and Deacons might be Ordained in the first, or middle Week of *Lent*, and on the Holy Sabbath, that is, *Easter-Eve*. *Dist.* 75. *c.* 7.

19. It was given in Charge, in the nineteenth place, That Monks, or Nuns, be humbly subject to their Superior, regularly constituted, and lead a

quiet

quiet regular Life, and without Dissention, and firmly retain those Things, which are agreeable to the Design of their Habit: And let them not use gorgeous Apparel, or such as savours of Vainglory, like Seculars; but a simple Habit, and such as agrees with their Profession.

20. It is enacted by the twentieth Decree, that Bishops, by a vigilant Inspection in their Parishes, take care, that Monasteries, as their Name imports, be honest Retreats for the silent, and quiet, and such as labour for God's sake; not Receptacles of ludicrous Arts, of Versifiers, Harpers, and Buffoons, but Houses for them who pray, and read, and praise God: And that Leave be not given to every Secular, to walk up and down, in Places which are not proper for them, *viz.* the private Apartments of a Monastery, lest they take an Occasion of Reproach, if they see or hear any Indecency in the Cloysters of a Monastery: For the customary Familiarity of Laymen, especially in the Monasteries of Nuns, who are [a] not very strict in their Conversation, is hurtful and vicious: Because by this means Occasions of Suspicions do not only arise among [b] Adversaries, or wicked Men, but are in Fact committed, and spread abroad, to the Infamy of our Profession. Let [not], therfore, Nunneries be Places of secret Rendezvous for filthy Talk, Junketing, Drunkenness, and Luxury, but Habitations for such as live in Continence and Sobriety, and who read, and sing Psalms: And let them spend their Time in reading Books, and singing Psalms, rather than in weaving and working party-colour'd, vain-glorious Apparel.

[a] *Minus regulariter conversantium*, MS. not, *Mimis, &c.* as Sir *H. S.*

[b] *Diversorum sive nefandorum*, MS. not, ----*arum*, as Sir *H. S.*

21. It is ordained in the twenty-first place, That Monastics and Ecclesiastics don't follow nor affect the Vice of Drunkenness, but avoid it as deadly Poyson, since the Apostle declares, that *Drunkards inherit not the Kingdom of God*: And at another Place, *Be not drunk with Wine, in which is Luxury.* Nor let them force others to drink intemperately, but let their Entertainments be cleanly and sober, not luxurious, nor with any Mixture of Delicacies or Scurrilities, lest the Reverence due to their Habit, grow into Contempt, and deserved Infamy among Seculars; and that, unless some necessary Infirmity compel them, they don't, like common Tiplers, [c] help themselves, or others, to Drink, till the Canonical, that is, the Ninth Hour, be fully come.

c Lat. *Potationibus non serviant.*

22. It was decreed in the twenty-second Head, That all Monastics, and Ecclesiastics, be admonish'd to keep themselves always prepared for the Holy Communion of the Body and Blood of our Lord; and that Rectors take diligent Care, that none of their Subjects lead such dissolute wretched Lives, as to be separated from the Participation of the Altar, (their Sins so requiring) or be careless in confessing, and doing Penance for their Crimes. If any one be found so, let him be sharply reproved.

23. It was added, in the twenty-third place, That Lay-Boys be also admonish'd often to Communicate, while they are not yet corrupted, as not being of the lustful Age; also those of a riper Age, whether Batchelors, or married Men, who refrain from Sin, are to be exhorted to the same Purpose, that they frequently Communicate, lest they grow weak for want of the salutary Meat and Drink, since

ſince our Lord ſays, *Except ye eat the Fleſh of the Son of Man*, &c.

24. It was enacted in the twenty-fourth Head, That if any Secular deſire to enter into the Service of the [d] Holy Profeſſion, he do not receive the Tonſure, before his Converſation, and moral Qualifications (according to the Preſcript of the Monaſtic Rule) be clearly tried, according to the Apoſtolical Precept, when he ſays, *Try the Spirits, whether they are of God*; unleſs ſome reaſonable Cauſe plead for his being admitted into the Congregation before. Further, let Biſhops of Churches, and Rectors of Monaſteries, know, that they ought the more diligently to try and examine every one, while he is in the Lay-habit, before his [e] Converſion to the Monaſtic Life, that [f] he may the better bear with him, being ſuch as he had upon Trial found him, if after his Admiſſion he diſpleaſe, and prove indocible; nor by any Means raſhly expel him, for any Cauſe, ſo as that he ſcandalouſly go from one Layman's Houſe to another, to the Reproach of our Profeſſion; unleſs the Cauſe be ſuch, as if it does happen, [g] a Decree of a Synod has determin'd, that he be diſmiſs'd and anathematized by all, in all Places, unleſs he come to Satisfaction.

[d] Monkery.

[e] I read, *Converſionem cœnobialem*, not *Converſationem*, as Sir *H. S.* and the MS. tho' the other Word may ſerve. Taking a Monk's Frock, was *Converſion*, in this Age.

[f] *Docuerit vel docet*, I omit. The Place is corrupted, and I have not Skill enough to reſtore the true Reading; but the Tranſlation contains the main of the Senſe, and what is loſt can be of no great Conſequence.

[g] The 16th Canon of *Calcedon* Excommunicates Monks, or Nuns, for Marriage.

25. It was determin'd in the twenty-fifth Head, That Bishops coming from Synods, assembling the Priests, Abbots, and Chiefs [of Monasteries and Churches] within their Parish, and laying before them the Injunctions of the Synod, give it in charge, that they be kept [h]. And; if ther be any thing, which a Bishop cannot reform in his own Diocese, let him lay it before the Archbishop in Synod, and publickly before all, in order to its being reformed.

[h] It is probable, that here is an End of the Canons, as they were first drawn by the Archbishop: What follows, was added at the Time and Place of Synod.

26. In the twenty-sixth place, the Sentiments of the Fathers, concerning the Profitableness of Alms, were produced; as that they are necessary to be done daily by faithful Men, that so past Sins may the sooner, and more fully be forgiven by God, to Offenders, who are doing Penance by Alms; and that the Divine Protection may by them be obtained, that they may not again commit the same Sins, nor any other such like; and by all that live religiously, that the Purity of their Innocency being graciously preserved by God, a Recompense of Things Eternal may be made to them hereafter in Heaven, in Consideration of their freely disposing of their Temporal Things, here on Earth. And certainly they are not to be given, to the Intent that a Man may commit any the least Sins, with the greater Liberty, on account of the Alms given by him, or by any other in his Behalf. But [let them be given] in the Manner aforesaid; for Alms is a Name and Work of Mercy: Therfore, let whosoever desires to do Mercy truly to his own Soul, not give Alms out of his unjust Plunder, but out of his own well-gotten Substance: For if it be given out of what is gotten by Cruelty, or Violence,

Violence, Divine Justice is rather provok'd than pacified by it, because, according to the * Scripture, *The Alms that is done out of the Substance of the poor, is like killing the Son in Presence of the Father.* Nor let a Man give Alms to the needy, to the Intent that he may more freely immerse himself in Gluttony and Drunkenness, beyond all Bounds; lest by putting God's Justice to Sale, he be not only more sharply, but more speedily condemn'd by it. And, to speak in general, let not any Men's Alms be daily given to God, with this View, that they may with Impunity act their bodily Lusts. For they do in vain give Alms that are entirely their own, [i] and free from any Mixture of wicked Dealing, who desire and hope, thro' the blindness of their Fancy, by this means to bribe the Supernal Judge: For they who act and think in this Manner, while they seem to give their own to God, do undoubtedly, by their Crimes, give their selves to the Devil. [k] Lastly, then let not Alms be given (according to the new-invented Conceit of Men's own Will, grown into a Custom dangerous to many) for the making an Abatement, or Commutation, of the satisfactory Fastings, and other expiatory Works, enjoined to a Man by a Priest of God, for his own Crimes, according to the [l] Ca-

* *Ecclus.* xxxiv. 20. is here meant.

[i] *Non intermixto flagitio*, MS. not *flagitia*, as Sir *H. S.*

[k] Monsieur *Petit*, *Pag.* 119. of his Dissertation, entitled, *Theodori de Pœnitentiâ Doctrina ab omni novitatis suspicione vindicata*, observes, That this Canon does not condemn the Practice of giving Alms by way of Penance, with a Purpose of leaving Sin, but giving them in hopes to purchase License to Sin: Yet it must be allowed, that this Canon forbids the Commutation of Fasting, by Alms, which yet *Theodore*'s *Penitential*, as publish'd by *Petit*, allows, as likewise the Penitential Canons ascribed to *Bede*, 14, 15.

[l] By the *Canon-Law* here, is meant, the Canons of the Latin Church, and the Penitentials now in use.

non-Law; but rather as an Increase of his own Satisfaction, that the divine Wrath, which he hath provoked by his own Demerits, may the sooner be pacified. And withal, the more [a] unlawful Things a Man hath done, the more he ought to abstain from Things that are lawful; and the greater Sins he hath committed, the greater Fruit of good Works he ought to yield to God; and not to drop or lessen some good Works, by practising others in their stead. For it is good to be assiduous in Psalmody, and often to bow the Knee with a sincere Intention, and daily to give Alms; yet Abstinence is not to be remitted; Fasting, once imposed by the Rule of the Church, without which no Sins are forgiven, is not to be remitted on account of these. Let these, and such like, be done as [b] Additions for the more full Expiation of Sin. For it is necessary that the jolly Flesh, which drew us into Sin by its Incontinence, being afflicted by Fasting, shou'd hasten our Pardon: For such Sins as exclude us from the Kingdom of Heaven, if they are not corrected, are to be expiated with all the [c] pious Actions that a Man can do. For one knows not what the following Day may bring forth, and for how long a Time he may be in a Condition to do any good Deeds for his former evil ones: For he who hath promised Pardon to the Sinner hath not promised him another Day.

[a] *Inlicita*, MS. not *Inclyta*, as Sir *H. S.*
[b] *Augmenta*, MS. not *Argumenta*, as Sir *H. S.*
[c] *Pijs*, MS. not *plus*, as Sir *H. S.* delete Colon at *homini*, put it after *festinanter*.

27. In the twenty-seventh, when they were thus discoursing much of those who sing Psalms, or spiritual Songs profitably, or of those who do it negligently, Psalmody (say they) is a divine Work, a great Cure in many Cases, for the Souls of them who

who do it *in Spirit*, and Mind. [d] But they that sing with Voice, without the inward Meaning, may make the Sound resemble [e] something: Therfore, tho' a Man knows not the Latin Words that are sung, yet he may devoutly apply the Intentions of his own Heart, to the Things which are at present to be ask'd of God, and fix them there to the best of his Power. For the *Psalms*, which proceeded of old thro' the Mouth of the Prophet, from the Holy Ghost, are to be sung with the inward Intention of the Heart, and a suitable Humiliation of the Body, to the end that [f] [by the Oracles of Divine Praise, and the Sacraments of our Salvation, and the humble Confession of Sins, or by devoutly imploring the Pardon of them, they that touch the Ears of Divine Pity by praying for any valuable Thing, may the more deserve to be heard, by their desiring and affecting to draw near to God, and to appease him by the Means which

[d] *Autem*, MS. not *hanc*, as Sir *H. S.*

[e] The MS. has, *adcujus rei*, not *ad cuivis*, as Sir *H. S.* I take the Liberty to read it *alicujus*, *&c.* and understand *est*, as *licet*. I conceive the Sense to be obvious enough, tho' the Words are odly put together. The Fathers, in this Canon, seem clearly to speak of *Spiritual Singing*, *and Prayer*, as if it consisted in putting a certain seasonable Meaning upon Words that were said, or sung, but not understood. I believe it may easily be maintained, that this Notion is as true, as that which has of late Years prevailed, *viz.* that praying *extempore* is praying by the Spirit. Indeed it most often happen, that to pray *extempore*, and to pray in Words not understood by the People, to which yet they give some seasonable Meaning, are the very same thing. This clearly explains what is meant by saying Psalms for other Men, which is so often mention'd in Ecclesiastical Canons and Constitutions.

[f] What is here enclosed in Hooks, has no certain Syntax, nor clear Sense, in the Latin.

g I before mentioned, especially their most holy and divine Service]; while they offer Variety of Prayers and Praises to God in that sacred Modulation, either for themselves, or for others, Quick or Dead, while at the end of every Psalmody, they bow their Knees in Prayer, and say in the Latin, or, if they have not learn'd that, in the Saxonic, *Lord have Mercy on him, and forgive him his Sins, and convert him to do thy Will:* Or, if for the Dead, *Lord, according to the greatness of thy Mercy, grant Rest to his Soul, and for thine infinite Pity vouchsafe to him the Joys of eternal Light with thy Saints.* But let them who pray for themselves have a great Faith in Psalmody [perform'd] with Reverence, as very profitable to them, when done in Manner aforesaid (on Condition that they persist in the h Expiation of their Crimes, and not in the i Allowance of their Vices) that is, they may the sooner, and the more easily deserve to arrive at the Grace of divine Reconciliation, by Prayers, and Intercessions, while they worthily sing, and pray; or that they may improve in what is good; or that they may obtain what they piously ask: Not with any Intent, that they may for one Moment do Evil, or omit Good, with the greater Liberty, or relax Fasting, injoined for Sin, or give the less Alms, because they believe others sing Psalms, or Fast for them. For let every one certainly know, that his own self-same Flesh, which

g Either *Cuthbert*, or some one of the Bishops, drew up this, and here forgot that he was speaking in the Name of a Synod, and so used the Singular Number: Or else it was left to be drawn by the Actuary, and forgotten to be reviewed by the Archbishop or Bishops. This latter seems most credible to me; and it is probable that the Actuary added the short Preface to every Canon.

h *Expiatione*, as MS. not *Expectatione*, as Sir *H. S.*

i Lat. *Passione*; which they understood as we do *Sufferance*.

which hath been the Causes of unlawful wicked Desires, ought to be restrained from what is lawful; and that a Man shou'd punish it at present, in proportion to its Guilt, if he desire not to be punish'd hereafter by the Eternal Judge. Let himself first importune the Divine Clemency, with Groanings of Heart for the Restoration of himself, and then bring as many Servants of God as he can, to make their common Prayers to God for him. For [a] if they promise, or believe, or act, otherwise than hath been before said, they do not lessen Sins, but add Sins to Sins; because by this means (above all the rest) they provoke the Anger of the Supernal Judge; because they dare set his Justice to sale every Day [b] by an unmeasurable Flattery, and the excessive Blandishment of luxurious Conversation. We must speak at large of this, because a worldly rich Man of late, desiring that speedy Reconciliation might be granted him for gross Sin, affirmed by Letters, That that Sin of his, as many assured him, was so fully expiated, that if he could live three hundred Year longer, his Fasting was already paid, by the [new] Modes of Satisfaction, *viz.* by the Psalmody, Fasting, and Alms of others, abating his own Fasting, or [c] however insufficient it were. If then Divine Justice can be appeased by others, why, O ye foolish Ensurers! is it said by the Voice of Truth itself, that *it is easier for a Camel to go thro' the Eye of a Needle, than for a rich Man to enter into the Kingdom of Heaven;*

[a] This will be best explained by the Canons of King *Edgar*, in the Year 964. *c.* 20.

[b] I conjecturally read the Latin thus, *Immensâ adulatione, atq; illecebroso excessu luxuriosæ Conversationis, &c.* I suppose these Words alluded to the great Treats or Entertainments made by these wealthy Offenders, to them who took a share in these Mock-Penances.

[c] *Utcunque*, as MS. not *utrunque*, as Sir *H. S.*

Heaven, when he can with Bribes purchase the in numerable Fastings of others for his own Crimes O that ye might [d] perish alone, ye that are de servedly called the Gates of Hell [e] —— befor others are ensnared by your misguiding Flattery and led into the Plague of God's Eternal Indigna tion. Let no Man deceive himself, God deceive none, when he says by the Apostle, *We shall a stand before the Judgment Seat of Christ*, &c.

[d] *Pereatis*, MS. not *Pietatis*, as Sir *H. S.*

[e] *Per suas sortes peccatorum*, are the Words her omitted.

28. In the twenty-eighth Mandate they charge That no [Head of a Monastery] admit a greate Congregation than he can maintain, and find i Necessaries. If any have unwarily done this, le them exact the less Work of them, till they ca give them Food and Raiment suitable to their Ha bit of Profession. And among other Observance of the regular Life, let them use the accustome Apparel of those [f] who have been before them whether they are Clerks or Monks: And let then not imitate Seculars in the fashionable Garterin of their Legs, nor in having [g] Shags round abou their Heads, after the Fashion of the Layman' Cloke, contrary to the Custom of the Church Likewise, that Nuns, veiled by the Priest, an having

[f] Lat. *Priorum*. It may signify their Priors, or Go vernors.

[g] Lat. *Coculas in circumdatione capitis*. See *Coccu la*, in *Spelman*'s *Glossary*, *Cock-bote* in *Kennet*'s. It seem plain, from this and other Passages, that the outwar Garment of Laymen, as well as Clergymen, cover'd th Head as well as whole Body: And it is likewise proba ble, that the Clergymen and Monks had the same Habi at this Time: Or indeed, that ther were very few Cler gymen but what were Monks, which appears especially from the next Canon.

having taken the Habit of their Holy Profession, ought not to go in Secular Apparel, or in gaudy, gay Clothes, such as Lay-Girls use, but take care always to keep the Garb of Chastity, which they have received, to signify their Humility and Contempt of the World; lest the Hearts of others be defiled with the Sight of them; and they by this means be found guilty of this Defilement in the Sight of God.

29. They decreed in the twenty-ninth Canonical Edict, that Clerks, Monks, and Nuns, may not, after this Synod, dwell in the Houses of Seculars, with Laymen, but return to the Monasteries where they first took the Habit of the Holy Profession, out of which they departed of their own accord, or were ejected by the Violence of others, as hath certainly been done in many Places; nor let free Ingress be denied them, upon their Return, on account of any past Fault. But if any of either Sex, not being under a Curse, but [going away] with the License, and Benediction of [their Superiors] have afterwards been peaceably admitted by others into their Society; and yet since that run up and down roving and unsettled, among the Laity, the Return [h] aforesaid injoined to them, relates not to the House, from which they regularly departed; but to the Place where they had been regularly received into Society, by mutual Consent and License.

[h] *Prædicta*, MS. not, *prædicata*, as Sir *H. S.*

30. As to the thirtieth Head, [i] a long Debate was publickly made, between the Priests of God and those of an inferior Degree [k] of Dignity, consulting how they might in the present State wholly

[i] *Sermo diutius prolatus est*, not *prolatum*, as MS. much less *probatum*, as Sir *H. S.*

[k] *Dignitatis*, MS. not -----*tes*, as Sir *H. S.*

ly silence the Jealousies, or suspicious Words of some (when the internal Discerner of Secrets was Witness, that the Notion was vain and false) *viz.* that Kings, with their [l] Dukes and Princes, and many lesser Potentates, use to speak of them, as tho' they were not only unsincere in their Affections towards them, but rather envied their Abundance, and Prosperity in Things present, with a malignant Mind, rather than rejoiced at it with a devout Heart; and did not cease their Detraction against their Way of living. For they thought that any Man of Eminence and Honour did very undeservedly, for some Causes, speak and think thus of them; because this was not only contrary to the Vow of their Habit, but to the Evangelical and Apostolical Doctrine, *viz.* that he who is a Preacher of Love to God and Man, (who is created after the Image of God) shou'd for the least Moment of Time admit the Fuel of Hatred or Envy to lurk within him. That therfore the Accusers might certainly be made to confess, that they were wholly free from this Vice, so detestable, not only before God, but Man, they ordain'd, That henceforth Ecclesiastics and Monastics shou'd, in their [m] Canonical Hours, intreat the Divine Clemency,

[l] *Duces* seems to be the Latin Word for Heye-τogar, Leaders of the Army: For Dukes, as we now take that Title, were scarce in being here in *England*, at this Time. The Earl was the highest of the Nobility.

[m] *The Canonical Hours* signifies here, not only the Times of the Day and Night used for publick Devotions, but the stated Forms then used. I suppose it evident, that ther were then no Prayers for Kings, or Potentates, among these Forms: If ther had, they wou'd have been used before this Council; and then ther could have been no Occasion to order Prayers for Kings, and Potentates, in this Canon. Yet tho' Prayers are order'd to be offer'd for them, no new Forms are enjoined: And I conceive it certain,

certain, that no Prayers were then publickly read or pronounced, but such as were contained in their Books. If it then be ask'd, How Prayers were to be made for Kings and Potentates? I answer, Just in the same manner that they were to be made for other particular Men: For which see *Can.* 27. above. They either, by virtue of a strong Imagination, fancied that the Latin Words sounded their Wishes for the Prosperiry of their Civil Governors, or (if they understood Latin) did in their Thoughts take in their Civil Governors, when they were praying for general Blessings, and Divine Favours; or else, after the end of their Psalmodies, or other Offices, they kneeled down, and every one singly, or as many as pleased, prayed privately, according to the Words of this Canon, *for Kings, Dukes, and Potentates, and for the Safety of all Christian People, that they may deserve to lead a quiet and peaceable Life under their Protection.*

Clemency, not only for themselves, but for Kings, Dukes, and for the Safety of all Christian People, that they may deserve to lead a quiet and peaceable Life, under their pious Protection: And that they should for the future be unanimous in Faith, Hope, and Love toward God, and in mutual good Affection toward each other; that after the Course of this Pilgrimage, they all together may merit to arrive at the Country which is above; and that the Divine Clemency shou'd more earnestly be intreated in Behalf of such as do most often extend their pious Patronage to the Church, while they are alive; and that the attoning Celebration be often piously performed, by the Ministration of great Numbers of Priests of Christ, for the Rest of their Souls, when they are dead; on Condition that they remember to prepare themselves for this Benefit, while they are living.

N. B. Sir *H. S.*'s printed Copy varies from the *Cotton* MS. (*Otho A.* 1.) in about 150 Particulars, all these Variations, excepting those above observed, which are near 20, seem to me to be proper obvious

obvious Emendations made by Sir *H. S.* of a v
unaccurate Transcript, tho' the only one we h
Generally speaking, Sir *H. S.*'s Corrections are o
of gross Mis-spellings, therfore I did not thinl
worth while to take Notice of them, no m
than of those which were printed without Co
ction, which are very many; but which every l
tin Reader can want no help to rectify.

It is observable, that tho' in many Particulars
Council copied after the Pattern which Boniface
set them, yet in the first and main part they deser
I mean in this, that they profess no Subjection to
Pope, nor make any Recognition of his Sovereign
thority, as they in Germany *had done. Nor do*
countenance that horrible Reproach cast upon the Fe
Pilgrims by Boniface, *by forbidding that Sex to tr*
into foreign Countries: Tho' I think they had in a
this last, acted for the Honour of Religion, an
their Country, if ther was any such Occasion for
Boniface *pretended. But Archbishop* Cuthbert *ha*
great an Honour for Boniface, *that he ordered*
Day of his Martyrdom to be observed, in a ge
Synod.

A.

A. D. [a] DCCLXXXV.

Legatine Canons at *Cealchythe.*

PREFACE.

A*Bout this Time,* Gregory, *Bishop of* Ostia, *and another of the same Order, nam'd* Theophylact, *were sent hither, in the Quality of Legates, from* Rome, *by Pope* Adrian, *to exercise the Papal Authority. They call themselves the first Priests that had been sent from* Rome, *since* Augustin *the first Archbishop of* Canterbury; *and it were to be wish'd they had been the last too, that came upon such an Errand. They were honourably receiv'd by* Janbyrht, (*otherwise call'd* Eanbert, *and* Lambert,) *from thence they proceeded to the Court of* Offa, *King of* Mercia: *From thence* Gregory, *with* Wighod, *an Abbot, whom* Charles *the Emperor sent to attend the Legates, proceeds to the Kingdom of* Northumberland, *and there holds a Council. It is evident, the Legates had all ready drawn, and put neither the Ecclesiastics nor Seculars to the Trouble of debating any single Point. Both Councils subscribe to the same Form of Words; which is too sad an Evidence of the tame implicit Faith and Obedience of the Church and State, at this time of Day. These are call'd the Constitutions of* Cealchythe, *and tho' it have four or five other Names, which differ in two or three Letters, yet the Place,*

Sir H. S. Vol. I. p. 292.

[a] But Sir *H. S.* dates it, 797. I rather choose to follow the *Sax. Chron.*

Place, as well as Constitutions, are agreed to be one and the same. Whether this Place was in the Kingdom of Northumberland, *or of* Mercia, *is not certainly known. The Monk of St.* Albans, *who wrote King* Offa's *Life, speaks of it as in* Mercia, *yet others think it was more* Northward. *The Learned Bishop* Gibson *observes, that ther is a Town in* Lancashire, *on the Borders of* Cheshire, *call'd* Kelcheth. *This being on the Confines of the two Kingdoms, might sometimes be in the Dominion of the King of* Northumberland, *at other Times of* Mercia. Offa *was very much dispos'd to enlarge his Bounds; as appears by his Attempts on the Kingdoms of* Kent, West-Saxony, *and* East-Angles: *He was an Ostentatious Prince, and might be willing to shew the Legates the utmost Bounds of his Kingdom, that they might report his Grandeur to the Pope, and Emperor, his great Ally. But if the* Mercians *Council was held at* Kelcheth, *the* Northumbrian *Council must have been at some Place lying farther* Northward.

All the farther Account I shall give of this Synod, and its Acts and Canons, shall be by translating the last Clause of the Letter sent by Gregory *the Legate, to the Pope, upon the Conclusion of it, and the Constitutions there made, as you have them in Sir* H. S. Vol. 1. p. 293.

A. D. DCCLXXXV.

at. WE wrote a Capitular of all the Particulars, and rehearsed them all in Order in their Hearing, who with all humble Submission, and with an appearing Willingness, embracing the Admonition, and our Parvitude, promis'd in all Particulars to obey: Then we delivered to them your Letters to read, obtesting them, that they would see that the Holy Decrees be observ'd, both by themselves and their Subjects. Now these are the

Heads

Heads which we produced to be obſerv'd by them.

1. That the Holy inviolate Faith of the *Nicene* Council, be faithfully and firmly held, by all that are devoted to the Holy Service: And that the Prieſts of every Church, who are to teach the People, be diligently examined by the Biſhops every Year, in their Synodical Aſſemblies, concerning the Faith: So that they may profeſs, hold, and teach the Apoſtolical Catholic Faith of the ſix Synods, which is approved of by the Holy Ghoſt, and not fear to die for it, if ther be Occaſion; and that they receive all ſuch Men as the univerſal Councils have received, and reject and condemn all thoſe heartily, whom they have condemned.

2. That Baptiſm be practis'd according to the Canonical Statutes, and not at any other [a] Time, except in great Neceſſity; that all in general know the Creed and the Lord's-Prayer: And that all who [b] undertake for Children at the Font, know, that they are Sureties to the Lord, according to their Sponſion, for the renouncing of Satan, his Works, and Pomps; and for their believing of the Creed; that they may teach them the Lord's-Prayer aforeſaid, and the Creed, while they are coming to Ripeneſs of Age: For if they do not, what is promiſed to God, in Behalf of them that cannot ſpeak, ſhall be with Rigour exacted of them. Therfore we enjoin, that this be charg'd on the Memories of all the People in general.

[a] At *Eaſter* and *Whitſuntide* only.

[b] Or rather, take them out of the Font, for this was formerly the Sponſor's Part. Lat. *Qui parvulos de ſacro Fonte ſuſcipiunt.*

3. That ther be two Councils every Year, according to the Canonical Inſtitutions; that the Briars and Thorns may be cut off from the Hearts

of all Offenders, as ſpurious Branches are by good Husbandmen. And let every Biſhop go round his Pariſh once every Year; carefully appointing Places of Aſſembly at convenient Diſtances; that all may meet to hear the Word of God, leſt any one, thro' the Neglect of the Shepherd, ignorantly going aſtray, ſuffer the Bites of the roaring Lion. Let him with watchful Care preach to [and] confirm the Flock committed to his Charge: Let him ſeparate the inceſtuous, coerce Sooth-ſayers, Fortune-tellers, Enchanters, Diviners, Wizards, and [c] ſuch as are guilty of Sacrilege; and ſuppreſs all Vices. And let no Man affect to feed the Flock committed to him, for filthy Lucre's ſake, but in hope of an eternal Recompence; and what he has freely receiv'd, let him freely give to all, as the Apoſtle obteſts, ſaying, (2 *Tim.* i. 1.) as the Prophet ſays, (*Iſai.* xl. 9.) that ſo he may excel in Merit as he does in Dignity. And that he may not be cramp'd by Fear while he is teaching, let him hearken [to theſe Words], *Lift up thy Voice*, &c. *Jeremiah* alſo ſays, *Gird up*, &c. *Jer.* i. 17. Alas! for this lamentable Lukewarmneſs, (as many conſidering Men ſay) why will ye be involv'd in the Love of Secular Things, or out-brav'd in opening the Word of Truth? If the Prelates of the Church are ſilent thro' Fear, or worldly Friendſhip, and do not reprove Sinners, or run away like falſe Shepherds, that care not for the Sheep, when they ſee the Wolf coming, why are they not more afraid of the King of Kings, and Lord of Lords? who reprehends Shepherds by the Prophets, ſaying, *Ye have not gone up*, &c. *Ezek.* xiii. 5. Laſtly, as the watchful Shepherd guards the Sheep againſt the wild Beaſts, ſo the Prieſt of God ought to be ſolicitous for the Flock, leſt the Enemy ſpoil, the Perſecutor

[c] *Sacrilegos*, Lat. I ſhou'd rather read, *Sortilegos*, Sorcerers.

Perſecutor annoy; leſt the ravening of the Powerful diſturb the Life of the Poor; ſince the Prophet ſays, If thou giveſt not Warning, *&c. Ezek.* iii. 18. *for the good Shepherd layeth down his Life for his Sheep*; Endeavour, my Fathers, and Brethren, that ye bear theſe Things in Mind, leſt it be ſaid to you, as to the Shepherds of *Iſrael*, *Ye feed yourſelves*, &c. but that ye may deſerve to hear, *Well done good and faithful Servant*, &c.

4. That Biſhops take great care, that Canons live canonically, and Monks and Nuns behave themſelves regularly, both as to Diet and Apparel, that ther may be a Diſtinction between a Canon, a Monk, and a Secular. Let the Monks uſe the Habit that the [d] Orientals do, and the Canons alſo; and not Garments died with *Indian* Tinctures, or very coſtly. But let Biſhops, Abbots, and Abbeſſes, give good Example to their Subjects, as *Peter* ſays, *Be ye a Pattern to the Flock*, &c. Therfore we adviſe, that the [e] Synodal Edicts of the ſix General Councils, with the Decrees of the *Roman* Pontiffs, be often read with Attention, and that the Eccleſiaſtic State be reformed, according to the Pattern preſcribed there; that ſo no Novelty be introduced, leſt ther be a Schiſm in the Church of God.

[d] It is hardly credible, that *Roman* Legates ſhou'd propoſe the Example of the *Eaſtern* People to be imitated by the *Engliſh*, unleſs by the *Eaſtern*, or *Orientals*, they meant the *Italians*, and neighbouring People, who were indeed ſometimes call'd *Orientals*, in this Age. See *Can.* 19.

[e] Here the Church of *England* clearly received the whole Body of Canons and Codes contained in the ſecond Volume of the *Clergyman's Vade-Mecum*, which *Adrian* the firſt, now Pope, preſented to the Emperor *Charles* the Great; and which he ſent to King *Offa*. Sir *H. S.* indeed, as well as others, ſuppoſes the Synodal Statutes, which *Charles* ſent to *Offa*, to have been

the Decrees of the ſecond Council of *Nice*; yet he owns, they ſeem to have been ſent ſome Years before the Sitting of that Synod; and it is evident, that the Writer of *Offa*'s Life, cou'd not mean theſe *Nicene* Decrees, for he ſays, they were ſent for the informing the Minds of the *Engliſh* Prelates, which he believed to be rude and unpoliſh'd, and that *Offa* received it as a Gift from Heaven. But tho' *Charles* did afterwards ſend the *Nicene* Decrees hither, it could not be to inform our Churchmen; for he himſelf did not approve of them, and therfore could not be deſirous that others ſhould imbibe the Doctrine contained in them; nor does it appear, that either our Kings, Clergy, or People, did well reliſh theſe horrible Innovations, we have a great deal of Reaſon to believe the contrary; but what Sir *H.* applies to the Decrees of *Nice*, may very juſtly be underſtood of the Code of Canons, *&c.*

5. That if an Abbot or Abbeſs depart this Life, (which often happens) Religious Paſtors of approved Life, be choſen from among themſelves in the Lord, (who may take care of the Souls committed to them) with the Advice of the Biſhop, within whoſe Pariſh the Monaſtery is ſituate. But if ſuch a Man is not to be found in that Convent, let ſuch an one be ſent them from another, to govern them in the Lord; that they may with Humility, and Obedience, Day and Night, be imployed in fulfilling the Vow they have made to God, *having their Loins always girt about, and their Lamps burning*, &c.

6. That no Biſhop preſume to ordain a Man Prieſt, or Deacon, unleſs he be of an approved Life, and ſufficient for the full Diſcharge of his Office; and let them continue in that Title to which they were conſecrated; ſo that none preſume to receive a Prieſt, or Deacon, from the Title that belongs to another, without a reaſonable Cauſe, and Letters Commendatory.

7. That

7. That all publick Churches have their Course [of Divine Service] at the Canonical Hours with Reverence.

8. That Ancient Privileges confer'd on Churches by the Holy *Roman* See be preserv'd by all. But if any have been granted contrary to the Canonical Institutes, in Compliance with wicked Men, let them be [f] cancell'd.

[f] One would think that the Legates here exceeded their Commission, or that they were not in earnest when they drew this Canon.

9. That no Ecclesiastic presume to eat in secret, unless on the account of great Infirmity; for this is Hyprocrisy, and [the Way of] the [g] *Saracens*; therfore we are advised not to be *whited Sepulchres*, &c. especially since our Saviour says, [h] *See that you do not your Justice before Men*, &c. From hence we may see how little it signifies, to pretend to fast before Men, but swallow an Ox, or Horse, in secret; since our good Works are commanded to be done in secret, that we may be rewarded by him in whose Name they are done.

[g] *Saracens*, or *Mahumedans*, are said to fast in the Day, but revel in the Night. Their Profession is to abstain from Wine, but their Practice to drink it immoderately, in private. But perhaps it should be *Sarabattarum*, for *Saracenorum*. *Sarabattæ* were *Monachi sibi viventes*-------- *qui quicquid putaverint vel elegerint hoc dicunt sanctum, & quod noluerint hoc putant non licere. Benedict* calls them, *nullâ regulâ approbati*. See Sir *H. S.'s Glossary*.

[h] This is a literal Version of *Mat.* vi. 1. and a just one, says Dr. *Mill, in loc. & prolegom. p.* 42.

10. Let no Minister of the Altar presume to go celebrate the Mass, with naked Legs, lest his Filthiness appear, and God be offended. For if this was forbid in the Law, we know it ought more carefully to be observed in the Sacrament of

Christ. Let [i] Bread be offer'd by the Faithful, not Crusts. We have also forbidden the Chalice or Patten for sacrificing, to be made of an Oxes Horn, ——— [k] because they are of Blood. [l] We have also there seen Bishops in their Councils, judging Secular Matters, and we forbade them with the Apostolical Saying, 2 *Tim.* ii. 4. we have also earnestly entreated, that Prayers be assiduously made for the Church of God, that God, and our Lord Jesus Christ may exalt, corroborate, protect, defend, and preserve her, without Spot, to the Praise and Glory of his Name, for ever and ever. *Amen.*

[i] It seems plain, that hitherto the People here in *England* brought to Church and Offer'd the Eucharistical Bread, and that therfore it was not provided either by the Priest, or any other Officer.

[k] Lat. *Quod de sanguine sunt.* It is true, with a little Breach of Concord, which is no uncommon Thing with our Forefathers, this may be understood of the Oxes Horn, of which the Chalice and Patten were, it seems, sometimes made; and this does, indeed, grow from the Blood of the Ox. But it may, perhaps, seem more probable to others, that these Words were part of a Clause against Clergymens judging in Causes of Blood, but curtail'd by the Transcriber; tho' Sir *H.S.* takes no notice of it. What follows favours this.

[l] From hence it appears, that the Bishop's sitting on the Bench with the Alderman, was so far from being an Imposition of the Pope, that he, by his Legates, wou'd have broken this Practice.

11. Our Address to Kings is, That they administer their Government with Caution, and Discretion, and that they judge righteously, as it is written [m] *Take hold of Discipline, O ye Kings,* &c. Further, as we have above directed Bishops to speak the Word of God with a Divine Authority, faithfully, and truly, without Fear, or Flattery, to

[m] *Psalm* ii. 12. according to the Vulgar.

to Kings, Princes, and all Dignities, never declining the Truth, ſparing no Man, condemning no Man unjuſtly, excommunicating none without Cauſe, and to ſhew the Way of Salvation to all, both by Word and Example; ſo we have alſo admoniſh'd Kings, and Princes, that they from the Heart, with great Humility, obey their Biſhops, becauſe the Kingdom of Heaven is committed to them, and they have the Power of binding and looſing, as it is written, *Ask thy Father, and he ſhall ſhew thee, thy* [a] *Elders, and they ſhall tell thee,* *Deut.* xxxii. And the Apoſtle elſwhere, *Obey your Prelates as the Lord, for they watch for you, as they that are to give Account of your Souls,* *Heb.* xiii. 17. Our Saviour himſelf ſays to Doctors, *He that heareth you, heareth me,* &c. *Matt.* ii. 7. *The Lips of the Prieſt preſerve Knowledge,* &c. *For he is the Angel of the Lord of Hoſts.* If then Prieſts are called Angels, they cannot be judged by Secular Men. As the Apoſtle ſays, *for me it is a very ſmall thing that I ſhould be judged of you.* Alſo it is ſaid by the *Pſalmiſt, He reproved even Kings for their ſakes; touch not mine Anointed, and do my Prophets no harm.* And the Apoſtle [ſays], *Know ye not that we ſhall judge Angels, how much more the Things of this World?* 1 Cor. vi. 3. For as Kings are above all Dignities, ſo are Biſhops, in Things pertaining to God.

[a] *Presbyteros*, Vulg. Lat. It was probably intended by the Authors of theſe Canons, to be underſtood of Prieſts.

[b] Therfore we exhort with all Earneſtneſs, that all do indeed honour the Church of God, which

 is

[b] This and the following Canon, were drawn with an Eye to Prince *Ecforth*'s being anoined King, in his Father *Offa*'s Life-time, but with his Conſent; which was either actually done, or however, reſolved upon, in this Synod, as the Hiſtorian informs us.

is the Spouse of Christ; and not put on her an unrighteous Yoke of Servitude, nor wax proud with Secular Power, nor oppress others with Violence, as it is written, *The King's Power loveth Judgment*, *Psal.* xcix. 4. Let every one of them consider, how he expects that his Spouse should be honour'd by his Subjects; and let him see in this Earthly Example, how much the Spouse of the King of Heaven ought to be reverenced; lest it be said of them, (which God forbid) *They have Reign'd, but not by me*, &c. *Hes.* viii. 4. But that they may rather deserve to have it said, *I have found a Man after mine own Heart*, &c. *Psal.* lxxxix. 19,—21. That [God] may grant them the Eternal Glory of the Kingdom, which is to come: And let Kings have wise Counsellors, fearing the Lord, of commendable Manners, that the People being instructed and reform'd, by the good Example of Kings and Princes, may improve to the Glory and Praise of Almighty God.

12. That in ordaining Kings, none permit the Votes of wicked Men to prevail. But let Kings be lawfully chosen, by the Priests, and Elders of the People; not such as are born in Adultery or Incest; for as in our Times, according to the Canons, none can arrive at the Priesthood, who is of an [c] Adulterous Brood, so neither can he who is not born in lawful Marriage, be the Lord's Anointed, King of the whole Kingdom, and Heir of the Country, since the Prophet says, *Know ye, that the Lord ruleth in the Kingdom of Men*, &c. We have admonish'd all in general, that with unanimous Voice and Heart they pray to the Lord, that he who elects him to the Kingdom, would give him the Spirit of Discipline, for the governing of his People: And let Honour be paid him by all, since the Apostle says, *Honour the King*, &c. 1 *Pet.* ii. 17, 13.

[c] Lat. *Adulter.* See *Can.* 16.

ii. 17. 13. Let none be guilty of Detraction toward the King, since *Solomon* says, *Detract not from the King with thy Mouth, nor curse the Prince in thine Heart*, &c. *Eccl.* x. 20. And let none conspire the Death of the King, because he is the Lord's Anointed. If a Bishop, or any of Priestly Degree, consent to such a Crime, let him be thrust out, as *Judas* was from the Apostolical Degree: And whoever approves of such Sacrilege, shall perish in the eternal Bond of an Anathema, and being a Comrade of *Judas*, shall burn in everlasting Fire, as it is written, *not only they who do it, but who approve it*, &c. *Rom.* i. *ult.* The two Eunuchs, who desir'd to kill King *Ahasuerus*, were hang'd on a Gallows, *Esth. Apoc.* xii. 3. Observe what *David* did, 1 *Sam.* xxiii. 5, 7. 2 *Sam.* i. *and this was imputed to him for Righteousness, and to his Seed after him.* It has been proved by many Examples among you, that whoever have been [the Authors] of killing their Lords, have shortly ended their own Lives, and been out-law'd, both in Church and State.

13. That the Great and Rich judge righteously, and accept not the Person of the Rich, nor despise the Poor, nor decline from Right, nor take Bribes against the Innocent; but [proceed] according to Truth and Justice; since the Prophet says, [d] *Judge the Thing that is right, O ye Sons of Men!* *Psal.* lviii. 2. Also elsewhere, *Lev.* xix. 15. as also *Isai.* L. 17. and at another place, *Lev.* viii. 6. The Lord says in the Gospel, *Mat.* vii. 2. nor shall you by Violence take from another that which belongs to him, as it is said, *Ex.* xx. 17. for the Prophet threatens, saying, *Isai.* v. 8. Again, a Prophet cries, saying, *Psal.* lxxxiv. 2. Remember what he deserves, who scandalizes a little one; but he who receives one of these, receives Christ. May you deserve

[d] This is, according to the Vulgar, *Psal.* lvii. 1.

deſerve to have it ſaid to you at the Judgment, *Come ye Bleſſed, take Poſſeſſion of,* &c.

14. Let Fraud, Violence, and Rapine, be abhor'd, and let not unjuſt Tributes be impos'd on the Church of God, nor greater than thoſe allow'd by the *Roman* Law, and the Cuſtom of former Emperors, Kings, and Princes, and let them endeavour to keep themſelves wholly free from this Vice of Violence, who deſire to keep themſelves in Communion with the Holy Church of *Rome*, and bleſſed *Peter, the Prince of the Apoſtles.* Let ther be Concord and Unanimity every where, between Kings and Biſhops, Eccleſiaſtics and Laymen, and all Chriſtian People, that the Churches of God may be at Unity in all Places, and that ther be Peace in the one Church, continuing in one Faith, Hope and Charity, having one Head, which is Chriſt, whoſe Members ought to help each other, and to love with a mutual Charity, as he himſelf hath ſaid, *Joh.* xiii. 35.

15. All unrighteous Marriage is forbidden, as alſo ſuch as are Inceſtuous, as well with the [e] Handmaids of the Lord, or other unlawful Perſons, as with thoſe that are too near akin; as alſo with foreign Women: And let him who does ſuch Things, be ſtruck with the Sword of Anathema, unleſs correcting himſelf, he repent of his wicked Preſumption, and correct and reclaim himſelf according to right Law, in Obedience to his Biſhop.

[e] Nuns.

16. Sons of Whores are depriv'd of lawful Inheritance; and we judge thoſe that are born in Adultery, or of Nuns, to be ſpurious and [f] illegitimate: For we do not ſtick to call a Virgin, that has devoted her ſelf to God, and put on, as it it were, the Garment of the Holy *Mary*, the SPOUSE

[f] *Adulteros*, Lat.

SPOUSE of CHRIST. Now it is manifest, in heavenly Respects, as well as earthly, that he [g] who takes a Spouse, [from one more powerful than himself,] shall not escape unpunish'd: Therfore the Apostle says, *He that profanes the Temple of God, him shall God destroy*, 1 *Cor.* iii. 17. and the same Apostle says, *Eph.* v. 5. Consider whether Secular Inheritance be not cut off from such by the Scripture, when it says, *The Son of the Bondwoman shall not be Heir*, &c. *Gal.* iv. 30. But an Adulterer may say, My Whore is not a Bondwoman, but a Free. To these we answer, with Apostolical Authority, *Know ye not, that to whom ye yield your selves Servants to obey, his Servants ye are, whether of Sin unto Death*, &c. *Rom.* vi. 16. Therfore we have commanded, in the Words of the Apostle, that *for the avoiding of Fornication, every* Layman *have his own Wife; and every Woman her own Husband*, 1 *Cor.* vii. 2. that so they may have lawful Heirs in the Lord, who may be also Heirs of God, and Coheirs in Christ. Farther, as it is prescribed in the Canon, and in the Gospel, and in the Decrees of the Apostles, concerning lawful Marriages, and the appointed Time of [h] marrying, and abstaining; we presume to add nothing to these Decrees: *If any seem to be contentious, we have no such Custom*, &c.

[g] *Quia non potentiorem se sponsam tulerit*, says Sir *H. S.*'s Copy. I read by Conjecture, *Qui a potentiore se sponsam tulerit.* Ther is nothing depends upon it.

[h] *Marrying*, here signifies not Matrimony, properly so called; but the Conjugal Act, as in *Ecgbriht's Excerption* 106. in the Year 740. See Pope *Gregory*'s Answer to *Augustin*'s 8th Question, *Art.* 6. By the Apostolical Decree may be meant, 1 *Cor.* vii. 5. I find no prohibited Times so early as this; I mean for the Solemnity of Marriage.

17. As

17. As to paying Tythes, it is written in the Law, *The Tenth part of all thine Increase* ——— [a] *thou bring thy First-Fruits into the House of the Lord* ——— Again, by the Prophet, *Bring ye all the Tythe into the Store-house*, &c. *Mal.* iii. 10. As a wise Man says, *No Man can justly give Alms of what he possesseth, unless he hath first separated to the Lord, what he from the beginning directed to be paid to him.* And on this Account it often happens, that he who does not pay Tythes, is himself reduced to a Tenth; therfore we do solemnly injoin, that all take care to pay the Tenth of all that they possess, because that peculiarly belongs to God: And let them live and give Alms out of the nine Parts; and we advise, that Alms be given in secret, because it is written, *When thou givest Alms sound not a Trumpet*, &c. *Mat.* vi. 2.

[a] Here seems to be an *hiatus*.

We have also forbidden Usury, since the Lord says to *David*, that *he shall be worthy to dwell in his Tabernacle, who hath not lent Money upon Usury*. And *Augustin* says, [b] *Who can have unjust Gain, without justly deserved Loss?* Where ther is Gain, there is Loss: Gain in the Coffers, Loss in the Conscience.

[b] For *qui*, read, *quis*; with a Note of Interrogation at *damno*.

We have also ordained, That equal Measure, and equal Weight, be injoin'd to all, since *Solomon* says, *Diverse Weights, and diverse Measures the Lord hateth*, *Prov.* xx. 10. that is, buying by one Weight and Measure, and selling by another: For God every where loves Justice, *his Countenance beholds the Thing that is right*.

18. That

18. That the Vows of Christians be fulfilled; for by this Means the ancient Patriarchs and Prophets pleased God. *Abel* the Just, with a faithful Mind offer'd a Vow of his Fatlings: And this was more acceptable to God, than that of that Parricide, therfore God, with a Fire from himself, consum'd those acceptable Holocausts, but despis'd what was offer'd without a good Mind [by *Cain*], who being therfore condemn'd with a Curse, deserv'd [the divine] Wrath: But the younger was crown'd with a happy Martyrdom. Remember *Enoch*, who paid the Vow that he had made, and was translated quick in the Body: So did the Righteous *Noe*, and he alone, with seven of his Family, was deliver'd from the Inundation of the World. What need I speak of *Abraham*, who paid all his Vows, and his Tythes, to *Melchisedech* the Priest? For he triumphed over his Enemies, therfore he deserved not only to adore, but also to entertain with his Hospitality, the Lord in Trinity, *Gen.* xviii. 2. and to have a Son of Promise, by a Woman that was ninety Years old: And he refus'd not to sacrifice that Son of Promise, (tho' the Lord had said, *In Isaac shall thy Seed be called*, &c.) yet he certainly trusted, that his Son was to live; *therfore Faith wrought with his Works, and it was imputed to him for Righteousness, and he was called a Friend of God.* *Jacob* vow'd a Vow, and he paid it. Remember [b] *Manos*, what he did with his Daughter, and his Memory shall be everlasting. *David*, when he paid his Vow, charg'd us saying, *Psal.* lxxvi. 11. *Solomon* also says, *Eccl.* v. 4, 5. We therfore beseech you, that every one call to mind what he has vow'd, in Prosperity or Adversity, lest being again involv'd in Difficulties, you deserve

[b] I suppose he means, *Jephthae*, *Judg.* xi.

deſerve to have it ſaid, [c] *He hath failed in what he promis'd long ago. According to your hardneſs, and impenitent Heart, you treaſur'd up Wrath,* &c. *Rom.* ii. 5. *therefore I will laugh at your Deſtruction, and mock,* &c. *Pr.* i. 26. We can give or promiſe nothing to God, but what he firſt gave us: Therfore the Prophet being touch'd with this ſays, *Pſ.* cxvi. 12. *What ſhall I repay to the Lord, for all that he hath given to me?* &c. If any one have Vow'd, and delay'd to pay it, we are afraid that he will not eſcape without Vengeance, as it is ſaid, *it is a fearful thing to fall into the Hands of the living God.*

[c] This ſeems to be cited as Scripture, yet I find nothing like it there.

19. That every faithful Chriſtian take Example by Catholic Men: And if any Pagan Rite remain, let it be pluck'd up, deſpiſed, and rejected. For God created Man comely and ſightly, but Pagans, by the Inſtinct of the Devil, ſacrifice themſelves, as *Prudentius* ſays,

[d] *Tinxit & innocuum maculis ſordentibus humor.*

He ſeems to do an Injury to the Lord, who defiles and depraves his Workmanſhip. If any one ſhould undergo this Blood-letting, for the ſake of God, he would on that account receive great Reward; but whoever does it out of Heatheniſh Superſtition, does no more advance his Salvation thereby, than the Jews do, by bodily Circumciſion, without ſincere Faith.

[d] I have not *Prudentius* by me; but have ventur'd thus to correct the Printed Copy of this Council, which has it thus,

Tinxit & innocuam maculis Sordentibus humum.

Ye

Ye wear Garments like those of the Gentiles [e]; whom your Fathers, by the Help of God, drave out of the World by Arms; a wonderful stupid Thing! to imitate the Example of them whose Manners ye hate.

[e] Are the *Britons* here called Heathens?

Ye also, by a filthy Custom, maim your Horses; ye slit their Nostrils, fasten their Ears together, make them deaf, cut off their Tails, and render your selves hateful, in not keeping them sound, when ye may.

We have heard also, that when you have any Controversy between your selves, ye use Sorcery, after the Manner of the Gentiles, which is accounted Sacrilege in these Times.

Many of you eat Horse-flesh, which is done by none of the [f] *Eastern* Christians; take heed of this too. Endeavour that all your Doings be honest, and done in the Lord.

[f] See *Can.* 4.

20. We have directed all in general to act according to the Prophetic Voice, which says, *Make no tarrying to turn unto the Lord, and put not off from Day to Day*, Ecclus. v. 7. And again, *Turn to the Lord with all your Heart, with fasting, weeping, and mourning*, Joel ii. 12. And, according to the Apostle, *Confess your Sins one to another, and pray one for another, that ye may be saved*, Jam. v. 16. lest Death should find any of you unprepared; which God forbid. And receive the Eucharist, according to the Judgment of the Priests; and [do Penance according to] the Degree of the Guilt, and bring forth Fruits worthy of Repentance. For a fruitful Repentance consists in bewailing Misdeeds, and not committing them again.

But

But if any Man die without Repentance, and Confession, (which God forbid) Prayers must not be made for him: For none of us is without Sin, *e not an Infant, born but a Day since.* As the Apostle says, *If we say we have no Sin,* &c. therefore since Death lingers not, repent, and be converted, that your Sins may be blotted out, and that ye may deserve, together with the Holy Angels, to enjoy that Life that is without end, thro' him who liveth and reigneth, for ever and ever.

e The LXX Translators have turn'd *Job* xiii. 4, 5. to this Sense: Many of the Ancients take it so from them, and *Clement* of *Rome* is the first of these.

The Legate proceeds in his Letter to the Pope.

We propos'd these Decrees, Most Blessed Pope *Adrian,* in a publick Council before *Alfwald* the King, and *Eanbald* the Archbishop, and all the Bishops, and Abbots of the Country, and the Senators, and Dukes, and People of the Land: And they, as we before said, vow'd, with all Devotion of Mind, that they would keep them to the utmost of their Power, by the Help of the Supernal Mercy. And they h confirm'd their Vows with the Sign of the Cross, [which we held] in our Hands in your stead: As afterwards also they did

h The Meaning of this is, That they swore to observe them: For one of the most solemn Forms of making Oath, in this Age, was by laying Hands on a Cross, holden in the Hand of a Bishop, or other Prelate. If the Cross were consecrated, the Oath was esteem'd the more solemn. But laying the Hand on the Bishop's Hand (without any Cross) was thought more solemn than swearing by an unconsecrated Cross, not holden by a Bishop.

did carefully, with a [i] Style, put the Sign of the Cross to this written Paper.

I *Alfwald*, King of the Nation beyond *Humber*, consent, and subscribe with the Sign of the Cross.

[k] I *Dilberch*, [Margin *Tilhere*] Præsul of *Autun*, have gladly subscrib'd with the Sign of the Cross.

I *Eanbald*, by the Grace of God, Archbishop of the Holy Church of *York*, have, with the Sign of the Cross, subscrib'd to the pious Catholic [l] Taxation of this Paper.

[i] A Pen made of some Metal.

[k] What a Bishop of *Autun* should do in *Northumberland*, it is not easy to say, unless *Charles* the Emperor sent him; as he did, *Wighod*, with the Legates.

But no Regard is to be had to these Subscriptions. The few Names that are genuine, are yet so spelt, that the Men, if they were now alive, wou'd scarce own them.

[l] *Taxation*, in the Language of this Age, signified, any Censure, Admonition, or Reproof. See *Spelman's Glossary*.

Then Hygwald, *Bishop of* Lindisfarn, Edilbert (*Margin* Ethelbert) *of* Hwytern, and two more Bishops, probably *Scots*, *subscribe*. *As also* Gosigha, *who writes himself* Patricius. *Then follows*,

We also, the Priests and Deacons of Churches, and Abbots of Monasteries, Judges, Grandees, and Noblemen, subscrib'd, and consented unanimously, in Deed and Word. (*Lastly, Ther are the Names of two Dukes, two Abbots; then the Legate proceeds.*

After this was finished, and we had given our Blessing, we departed, taking with us the Legates of the King, and Archbishop, that is, *Malwyn* and *Pyttel*, Readers, Men of Note, who carried the

Decrees with them, to the Council of the *Mercians*, where the Glorious King *Offa*, with the Counsellors of the Land, together with *Janbyrht*, the Archbishop of the Holy Church of *Canterbury*, and the rest of the Bishops of the Country, were assembled. The *Capitula* were both read, one by one, with a clear Voice, in the Presence of the Council, in Latin, and explain'd in the *Teutonic* Tongue, that all might understand them: They all, with unanimous Heart and Voice, thanking their Apostleship, promis'd to obey their Admonitions, [and] by the Divine Assistance, to the best of their Power, chearfully to keep the Statutes. And farther, according to the abovewritten Taxation, as well the King, as Great Men, [and] Archbishop, with his Attendants, confirm'd [their Promise on] the Sign of the Holy Cross, [which we held] in our Hands, in your Lordship's Stead; and afterwards they confirm'd this present Paper with the Holy Sign.

I *Janbyrht*, Archbishop of the Holy Church of *Canterbury*, have devoutly subscrib'd with the Sign of the Holy Cross.

I *Offa*, King of the *Mercians*, consenting to these Statutes, have readily subscrib'd with the Sign of the Cross.

I *Higibert*, Bishop of the Church of *Lichfield*, have subscrib'd with the Sign of the Holy Cross.

Eleven other Bishops subscribe, four Abbots, two Dukes, one Earl. This is call'd, a Contentious Synod, *by the* Saxon Chronicle, *and it is commonly said, that* Janbyrht, *Archbishop of* Canterbury, *did here resign seven Dioceses of his Province,* viz. Lichfield, Worcester, Leicester, Sidnachester, Hereforld, Helmam,

Helmam, *and* Thetford, *to be made a Province to the Archbishop of* Lichfield, *which City King* Offa *resolv'd to make an Archbishoprick, in Memory of a signal Victory, won by him near to this Place; tho' it is said too that he charg'd* Janbyrht *with having invited* Charles *the Emperor to make a Descent on* England, *promising him all possible Assistance in* Kent. *But it is certain, that* Offa *was now in League with the Emperor. However, it is evident, that ther is nothing in the Narrative of the Legates, relating to this Matter.* Janbyrht *was so far from receiving any Diminution of Authority, in this Council, that he subscribed before the King himself, and* Higibert *after both, styling himself barely,* Bishop of Lichfield, *if any Credit could be given to the Subscriptions in Sir* H. S. *Yet it is certain in Fact, that* Janbyrht *was, by* Offa, *deprivd of the Dioceses abovementioned, and had none but* London, Winchester, Sherburn, Rochester, *and* Seolsey, *left to his Province; and that his Lands in the Kingdom of* Mercia *were seiz'd by the King: It is possible that this Project was started in this Council, between the King and* English *Bishops, either before the Legates entered, or rather, after they had left it. The Legates, probably, having no Commission to hear this Matter, refus'd to meddle with it. However it were,* Offa *certainly carried his Cause at* Rome, *and that by dint of Money, as the Writer of his Life freely confesses. And it is not to be wondred, that a King so addicted to the Pope, should prevail against the Archbishop, in this or any other Point: For he granted to the Pope, a Peny, by the Year, from every Fire-hearth in his Kingdom; as* Ine *is said to have done about sixty Years before, for the Kingdom of the* West-Saxons. *And it is observable, that no Kings have treated their Bishops and Clergy more harshly, than they who have express'd the greatest Devotion to the See of* Rome. *And the Occasion of granting the* Peter-pence *is reputed by* Polydore Virgil, *to be this, that he had*

some Time before barbarously murdered Ethelbert, *King of the* East-Angles, *and to lighten his Penance, gave this Tribute to the Pope, or rather to the* English *School at* Rome: *For this seems to have been* Offa's *Intention, tho' the* Romanists *wou'd have it thought, that by this Grant he and his Successors became Tributaries to the Pope. Yet* Higibert *could not procure a Confirmation of his Metropolitical Authority; but his Successor* Aldulf *did. And tho'* Janbyrht *is said to have resign'd six of his Dioceses; yet I think it is allow'd, that he did all he could to recover them. And King* Offa, *and Pope* Adrian *dying in the same Year,* viz. 794, *his Successor* Athelard *did effectually procure a Restitution of King* Kenulf, *and Pope* Leo III. *within a few Years, as appears by what follows.*

A. D. DCCXCVI.

ATHELARD'S Confirmation of Privileges.

PREFACE.

AThelard *had now, for several Years been Archbishop of* Canterbury, *but it was not to be expected that he should recover the Sees, which King* Offa *and Pope* Adrian *had lop'd off from his Province, so long as they lived: They both died in the Year* 794. *But the Wars between the Kingdoms of* Mercia *and* Kent, *which soon followed, were an Obstruction to the Reunion of the Province, when* Kenulf *had obtain'd the Sovereignty of* Kent, *by taking* Pren *Prisoner, both he and* Athelard *wrote to the new Pope* Leo III. *upon*

this

this Affair: Yet it appears by the Pope's Answer, that the King was inclin'd to make London *the Metropolis; but the Pope declares for* Canterbury: *This Letter was, I suppose, written at the beginning of this Year* 796, *and it is probable, that at the same time he sent a Letter to the Archbishop, intimating the same Resolution, and containing also his Directions for calling a Council, and passing such a Decree as here follows. It shou'd appear, that* Adulf *of* Lichfield *found the King, and* Athelard, *so firm in their Resolutions, and so successful in their Negotiations with the Pope, that he made no Opposition: For he saw himself under a Necessity of Submission, and therfore attended* Athelard *in his Council at* Becanceld, *and subscribed the Decree proposed there by the Pope's Command; for without him, twelve Bishops were not to be had in this Province.*

But tho' the Pope had declared for restoring the dismembred Dioceses to the Archbishop of Canterbury, *yet it was three Years before this was done in Form.* Athelard *must pay his Attendance on the Pope at* Rome, *and his Fees to the Old Gentleman and his Courtiers, before the Business could be accomplish'd; And it is not improbable, that the Pope deferr'd the final Dispatch of this Affair, till the Arrearage of his Annuity of* 365 *Marks, which King* Offa *had promised from himself, and his Heirs, was fully discharged: For he reminds King* Kenulf *of this Debt, in his Letter before-hinted,* (Aug. Sac. Tom. 1. pag. 460.) *And though this was not brought to Perfection till the Year* 799, *yet it was look'd upon to be as sure, as if it had actually been done, from the Time of the Pope's Answer to the King's first Letter. Not only the Bishop of* Lichfield, *obey'd* Athelard's *Summons to* Becanceld; *but the new Archbishop of* York *made Profession of Obedience to him: And this must have been this same Year, for ther was no other Succession in the See of* York, *while* Athelard *was Archbishop of* Canterbury, *but*

that only in the Year 796. See the Profession Angl. Sac. Tom. 1. pag. 78. *and the Succession,* Sax. Chron. 796. *Sir* H. S.'*s Copy of this Council is certainly spurious: For it makes seventeen Bishops Subscribers; and ther were not so many now in* England. *But he observes, that the Place of the Council in one MS. is written* Bacanchilde; *which brings it nearer to the present* Bapchild.

A. D. DCCXCVI.

K. Chron. 67.

A*Thelard,* Archbishop of *Canterbury,* caused a Synod to sit, and [a] verified and confirm'd, by Command of Pope *Leo,* whatever had been constituted in the Days of [b] *Wihtred,* or of other Kings, in Behalf of God's Minsters; and thus he pronounced:

[a] I read, ȝetrioppíoȣ.
[b] *Sax.* Ꝑihtȝaner, by Mistake, I suppose.

I *Athelard,* the humble Archbishop of *Canterbury,* with the unanimous Advice of the whole Synod, and of all the Congregations of all the Minsters, that have had Liberties granted them by faithful Men in ancient Times, do command, in God's Name, and by his tremendous Judgment, as I am enjoined to do by Pope *Leo,* That from henceforth none of the [c] Laity do presumptuously choose to themselves Lords over God's Heritage; but that all Things belonging to God's Holy Minsters, do remain

[c] This, perhaps, may imply a Condemnation of King *Offa,* for erecting a new Archbishoprick, but it is no direct Condemnation of *Aldulf.* I am inclined to think, that one Point here aimed at, was to deprive Laymen of the Power they had, in making themselves or others, that were not in Orders, Governours of Religious Houses. This formerly was a Practice very rife in *England,* but I do not remember any Mention of it after this.

remain inviolate, without Contradiction, according to what is contained in the Charter granted by the Pope, or ordained by the Holy Men that were our Fathers and Teachers. If ther be any Man who refuseth to keep this Commandment of God, and of our Pope, and of us, and despises, and sets it at nought; let them know, that they shall give Account thereof before God's Judgment-Seat. And I *Athelard*, with twelve Bishops, and twenty-three Abbots, do establish, and confirm the same, with the Sign of Christ's Cross.

A. D. DCCCIII.

The final Settlement of the Primacy at *Canterbury*.

PREFACE.

HE *that considers human Nature, will not wonder, that tho'* Aldulf *of* Lichfield, *seeing the Stream of Authority, both Ecclesiastical and Civil, run so strong against him, ceased to act as a Metropolitan, nay, behav'd himself as a mere Suffragan to* Canterbury, *yet could not be brought, in less than seven Years Time, utterly and expresly to cancel and annul his Pretensions to Primacy.* Alcuin *had desired* Athelard *to connive at* Aldulf's *exercising his Primacy, during Life; but* Athelard *did not accept this Advice; but desired to see a Reunion of his own Province fully settled; and by the Year* 803, *had worked* Aldulf *into a Compliance; and therfore was willing to meet him half way, at* Cloves-hoo, *now* Abbindon, *in order*

to clinch the Reunion in a Provincial Council. They who suppose Clift, *in the Hundred of* Hoo, *and Diocese of* Rochester, *to have been the Place of Congress, must allow that this was a very hard Penance injoin'd by the Archbishop, not only to his old Rival* Aldulf, *but to all the Comprovincials; for ther is not a more unhealthy Spot in the whole Province, I may say, in all* Christendom; *especially in the* Autumnal *Season*; (*and both Copies agree, that this Synod was held in* October.) *And it was* Athelard's *Part, to take all Measures that were obliging, both to* Aldulf, *and the rest of his Brethren.*

I always suspected the Copy of this Council of Cloveshoo, *as publish'd by* Spelman, *to be spurious; not only because* Wermund *of* Rochester, *who died the Year before the Date of it, is made a Subscriber, and because what was done seven Years before, at* Becanceld, *is represented as done here again at* Cloves-hoo; *but because I could find no Reason, from the Acts of this Council, as printed in* Vol. 1. p. 324. *of* Spelm. *why the final Settlement of the Primacy at* Canterbury, *to which the Pope had given Consent seven Years before, shou'd be deferr'd till the Year* 803; *therfore I had omitted it in my Collection. But a Learned Gentleman who knew something of the Design I had in hand, sent me a Copy of this Council, as he accidentally found it in the* Cott. *Library, which answers all these Objections. For the Name of* Wermund *is not among the Subscriptions, nor the Decree at* Becanceld *in the Acts: And it contains a direct and absolute Abolition, and Annihilation of the Primacy assum'd by* Aldulf *at* Lichfield, *and so affords us a sufficient Reason, why the final Settlement of this Affair was so long deferr'd,* viz. *Because it was so hard to bring* Aldulf *to a Renunciation of the Privileges of his See, granted by the former King, and Pope. It may seem strange that twelve Bishops shou'd be mention'd in the Body of the Council, and yet but eleven Names of Bishops shou'd*

actually

Equally be subscribed; but this Difficulty will vanish, upon this rational Supposition, viz. *That this Copy was taken upon the Spot by* Beornmod, *now Bishop of* Rochester, *who thought it needless to subscribe his own Name to a Paper taken for the Information of his own private Memory. It won'd be no great Difficulty to account for the Confusion made by the Monk, from whose Copy Sir* H. S. *publish'd his Edition of this Council. I think it sufficient to have shewed the Reasons why that seems not genuine, and why this does. And it is some Satisfaction to me, that I can gratify my Reader with so considerable a Monument of Antiquity, as this, by which the Primacy of the whole Province was finally fix'd at* Canterbury.

A. D. DCCCIII.

GLory to God on high, Peace on Earth to Men of good Will. We know (what is notorious, but what seems not at all pleasing to many who dwell in the Nation of the *English*, that faithfully trust in God) that *Offa*, King of the *Mercians*, in the Days of *Janbert*, Archbishop, presumed, by very indirect Practises, to divide, and cut in sunder the Honour and Unity of the See of our Father St. *Augustin*, in the City of *Canterbury*, and how after the Death of the said Pontiff, Archbishop *Athelard* his Successor, by the Gift of Divine Grace, after several Years, hapned to visit the Apostolical Thresholds, and *Leo* the Blessed Pope of the Apostolical See, in Behalf of many Rights belonging to the Churches of God. He, among other necessary Negotiations, did also declare, that the Partition of the Archiepiscopal See had been unjustly made: And the Apostolical Pope, so soon as he heard and understood that it was unjustly done, presently ordered an authoritative Precept of Privilege, as from himself, and sent it into *Britain*, and charged, that an

Lat. Cot. MS. Aug. 11. 56. Sir H. S. Vol. 1. p. 324.

an entire Restitution of Honour shou'd be m
to the See of St. *Augustin*, with all the Parish
belonging to it, according as St. *Gregory* the Ap
stle, and Master of our Nation settled it, and th
it shou'd in all Respects be restored to the Honou
able Archbishop *Athelard*, when he return'd in
his Country. And *Kenulf* the pious King of th
Mercians, brought it to pass.

1. And in the Year of our Lord's Incarnation 80
Indiction the eleventh, on 4 *Id.* of *October*, I *A*
thelard, Archbishop, with all the twelve Bisho
subject to the Holy See of the Blessed *Augustin*, i
a Synod which was held by the Apostolical Pre
cepts of the Lord Pope *Leo*, in a famous Place
called *Cloves-hoo*, with the unanimous Consent o
the whole Sacred Synod, in the Name of Almighty
God, and of all his Saints, and by his tremendous
Judgment, we charge, that neither Kings, nor Bi-
shops, nor Princes, nor any Men who abuse their
Power, do ever presume to diminish, or divide, as
to the least Particle, the Honour of St. *Augustin*,
and of his Holy See: But that it always remain
most fully, in all Respects, in the same honourable
State of Dignity as it now is, by the Constitution
of the Blessed *Gregory*, and by the Privileges of his
Apostolical Successors, and as appears to be right
by the Sanctions of the Holy Canons.

2. And now, by the help of God, and of the
Apostolical Lord Pope *Leo*, I *Athelard*, Archbishop,
and other our Fellow-Bishops, and all the Digni-
taries of our Synod with us, do unanimously con-
firm the Primacy of the Holy See, with the Stan-
dard of the Cross of Christ. And we give this in
Charge, and sign it with the Sign of the Cross,
That the See Archiepiscopal, from this Time for-
ward, never be in the Monastery of *Lichfield*, nor
in any other Place but the City of *Canterbury*, where
Christ's Church is, and where the Catholic Faith
first

first shone forth in this Island, and where Holy Baptism [was] first celebrated by St. *Augustin*. Further also, we do, by Consent and License of our Apostolical Lord Pope *Leo*, [a] forbid the Charter sent from the See of *Rome* by Pope *Adrian*, and the Pall, and the See Archiepiscopal in the Monastery of *Lichfield*, to be of any Validity, because gotten by Surreption, and unsincere Suggestions. Therfore we ordain, by Canonical and Apostolical Monuments, with the manifest Signs of the Celestial King, that the Primacy of the Monarchy do remain where the Holy Gospel of Christ was first preach'd by the Holy Father *Augustin*, in the Province of the *English*, and was from thence, by the Grace of the Holy Spirit, widely diffus'd.

But if any dare to rent Christ's Garment, and to divide the Unity of the Holy Church of God, contrary to the Apostolical Precept, and all ours, let him know, that he is eternally damn'd, unless he make due Satisfaction for what he has wickedly done, contrary to the Canons.

[a] Lat. *Præscribimus non aliquid valere.* If the Verb will not bear this Version, then *non* must be added.

These are the Names of the Holy Bishops and Abbots, who confirmed the abovewritten Charter, in Hand-writing, at the Synod which was at *Cloveshoo*, with the Sign of the Cross, in the Year of our Lord's Advent, 803.

N. B. *The Names here, stand as in the* Cott. *MS. The Number next following each Name, shews the Order in which it stands in the Copy of Sir* H. S. *Where ther is any considerable Variation in the Spelling, the Name according to Sir* H. S.'*s Spelling, is added immediately after the Number; and after that the See to which*

which every Bishop belong'd. Which is only in Sir H. S.'s *Copy.*

Acthelheardus, 1. Athelheardus, Archi gratia Domini Dorobernensis Civitat signum Stæ Crucis Subscripsi.

Alduulfus, 2. Lychelfeldensis Ecclesiæ Epi signum Crucis subscripsi.

UUerenberhtus, 3. Legorensis Civitat Episc. &c.

Alcheardus, 9. Elmhamis Ecclesiæ Epi &c.

Huuigerhtus, 7. Wigberht Sciraburnens Civitatis Episc. &c.

Alhmundus, 8. Wintanæ Civitatis Episc. &c.

Osmundus, 11. Lundonensis Civitatis Episc. &c.

Eadulfus, 4. Syddensis Civitatis Episc. &c.

Deneberhtus, 5. Dænebreht, Wegorarensis Civitat. Episc. &c.

UUihthunus, 13. Weohthun, Seolesegiæ Ecclesiæ Episc. &c.

Tidfrithus, 10. Dammacæ Civitatis Episc. &c. (Fidfr. *in Sir* H. S. *is a slip of the Press.*)

UUlfheardus, 6. Herefordensis Civitatis Episc. &c.

——— 12. Wærmund, Hrofensis Civitatis Episc. &c.

Four Priest-Abbots are added in the Cott. *MS. In Sir* H. S. *there are several Abbots and Priests, and some Deacons, subscribe after every Bishop. But I take this Singularity to be only the Garnish of the Monk who drew these false Pieces. Ther are four Priest-Abbots Subscribers in the* Cott. *MS. All these are put in the same Paragraph with* Werenbert *Bishop of* Leicester, *in Sir* H. S. *For* Beomia *in Sir* H. S. *is only a Mistake*

Mistake for Beonna, *as it is in the* Cott. *MS. Tho' omit the Names of the Abbots, as of no Use, yet I thought proper to give the Names of the Sees and Bishops, For tho' the Acts of this Council, as publish'd by* Sir H. S. *are not genuine; yet the Reader will scarce meet with a better List of the Sees, as they were in this Age.* Alheard's *See was* Elmham *in* Norfolk, Wigbert's *was* Shirburn *in* Dorsetshire; Eadulf's *was* Sidnachester, *or* Hatfield, *in* Lincolnshire, (*I think*;) Denebert's *was* Worcester; Wihthun's *was* Seolsey *in* Sussex; Tidfrith's *was* Dumoc, *or* Dunwich, *in* Suffolk. *The rest are obvious.*

The Scribe of Sir H. S.'s *Copy, put the Date after the Subscriptions, contrary to the common Form. But the Date it self is the same with that in the* Cott. *MS.* 4 *Id.* Oct. 803.

There is another Act of this Council, or rather, of a Committee of it, extant in Sir H. S. p. 328. *whereby the Bishop of* Worcester *has two half Procurations granted him, every other Year, in two Monasteries, which the Bishop of* Hereford *alledged to be situate in his Diocese. Another Controversy was here determined, between* Werenbert, *the Bishop of* Mid-England, *above styled the Bishop of* Leicester, *and* Eadulf, *Bishop of* Hatfield, *above called* Syddensis, Ep. *Another between* Wigbert *of* Shirburn, *and* Almund, *of* Winton. *The Archbishop and seven Bishops subscribe. A Memorial of the first of these Acts, was entred into a Book of the Church of* Worcester: *And this is a standing Proof, that a Council was held at* Cloves-hoo, *and at the Date abovementioned. See Sir* H. S. Vol. 1. p. 329.

An half Procuration (Pastus, *in the Latin*) *was, I conceive, Entertainment for the Day only: A whole Procuration, for the Day and Night too, for the Bishop and all his Retinue.*

A. D.

A. D. DCCCXVI.

WULFRED'S Canons at *Cealc-hythe*.

IN the Reign and Government of our Lord Jesus Christ, who disposes of the World in Equity, whose Power penetrates through Heaven and Earth, and every Creature, and who does, and determines every Thing, above and below, at the Command of his Father, and by the Grace of the Holy Spirit, and in the Year of our Lord's Incarnation 816, the ninth of the Indiction, by the Lord's Permission, this Synod was assembled on the sixth Day before the Kal. of *August*, at a famous Place, call'd, *Celi chyth*, *Wulfred* the Archbishop presiding, and the other *Southern* Bishops of the *English*, sitting by; that is, *Beornmod* of the Church of *Rochester*, *Ethelwalf* of *Selesege*, *Wigthigh*, and *Wigbert* of the *West-Saxons*, *Dinbert* of the *Wiccians*, also *Wulfherd* the Prelate of *Hereford*, together with *Heremmius* and *Rathunus*, the Most Reverend Bishops of the *Mercians*; and moreover *Eadulph* of *Lindisfarn*, and the Honourable Bishops of the *East-Angles*, *Sibbane* and *Tidfrith*, and *Ethelnoth* Bishop of the City of *London*: Farther, it was in the 20th Year of *Kenulf*, King of the *Mercians*, who was then present with his Princes, Dukes, and Grandees; while the Presidents of the sacred Order [were] treating with the Abbots, Priests, and Deacons, concerning what was necessary, and useful for the Churches.

H. S. I. 1. p. 7.

1. We

1. We expounded the Catholic Faith, and the orthodox Christian Rule, and the Canonical Precepts, which as we have been taught, were ordain'd by the Holy Fathers. We declare our selves willing to keep them all diligently inviolate, uncorrupted; and to teach, instruct, and confirm others in the same, that by this Means we may deserve Forgiveness of our Sins.

2. When a Church is built, let it be Consecrated by the Bishop of its own Diocese; let the Water be bless'd, and sprinkled by himself, and [all things] be thus accomplish'd in Order, according to the Ministerial Book; afterwards let the [a] Eucharist Consecrated by the Bishop in the same Ministration, be laid up in the same Repository, with the other Relicks in the [b] Royal House; and if he can find no other Relicks, this may serve as well, because it is the Body and Blood of our Lord Jesus Christ. And we charge every Bishop, that he have it written on the Walls of the Oratory, or in a Table, as also on the Altars, to what Saints both of them are dedicated.

[a] Here the Eucharistical Symbols are set on a Level with the Relicks of Saints, and scarce that neither. For if Relicks cou'd be found, they were necessary for the Consecration of a Church; and they that could not find them, cou'd make them.

[b] Lat. *Basilica* Church.

3. That a settled Unity, and devout inward Peace and Charity, remain amongst us; that all have but one Will, in Deed, and Word, and Judgment, without Flattery or Dispute, because we are Fellow-servants in one Ministry, Fellow-workers in one Building, Members of one Body, of which Christ is Head; therfore it becomes us, as we are join'd together in one Spirit, by Faith, and Love, to keep our Words and Actions free from Dissimulation,

lation, in the Fear and Love of God Alm and diligently to pray for each other, that l means we may deserve to receive a Crown, God hath promis'd to them that love him.

4. That every Bishop have Power of e the Abbots and Abbesses in his own Diocese the Consent and Advice of the Family; and ligent Enquiry be made by all, that the Inn of such an one [as is to be chosen] be free all Imputation of Capital Crimes; that is, t be not defiled with Homicide, or begetting dren, or with grievous publick Theft; but t have led his Life regularly, and within the sters of a Monastery. [Let him be] pruden acute in Speech, lest the Flock committed t [suffer] for his [c] Folly and Silence: And l Bishop look to it, lest he be chosen out of I or Affection, or for a Sum of Money, or greater Respect to Kindred than ought to be; [let it be done] at all, without the Consent Family, nor let the Family [do it] without C of the Bishop; but let them set about it co ly and orderly, in all Respects.

[c] I read, *Insipientiam*, not *Instantiam*.
[d] For *hæc*, I read, *nec*; and presently after, *crepare*, I read, *Inceptare*.

5. That none of *Scottish* Extract be permitt usurp to himself the sacred Ministry in any Diocese; [e] nor let it be allow'd such an c

[e] The Latin here is very odd, *Neq; ei consenti ceat ex sacro codice aliquod attingere, vel ab ii pere in Baptismo, aut in Celebratione Missarum etiam Eucharistiam populo præbere.* I translate a according to the Letter; and suppose that *Scots* a bidden to attend the Priest that celebrates, or to d thing that belong'd to those in the inferior Orde the Administration of these Sacraments.

touch any thing which belongs to those of the Holy Order, nor to receive any thing from them in Baptism, or in the Celebration of the Mass, or that they administer the Eucharist to the People; because we are not certain, how, or by whom, they were Ordained. We know how 'tis enjoin'd in the Canons, That no Bishop, or Presbyter invade the Parish of another, without the Bishop's Consent: So much the rather should we refuse to receive the sacred Ministrations from other Nations, where ther is no such [f] Order as that of Metropolitans, nor any Regard paid to other [Orders].

[f] Lat. *Nullus ordo Metropolitanis*, I read, *Metropolitanus*. It is well known, ther was no Metropolitan in *Scotland*, till after the middle of the 15th Century, when St. *Andrew*'s was created into an Archbishoprick. Nay, their Bishops had no distinct Dioceses, before the middle of the 11th Century.

6. That the Judgments of Bishops, which have been confirm'd by us, or our Predecessors, by a Synodical Decree, be not infring'd, but remain firm, and irrefragable. And in all Cases, whatever has been corroborated with the Sign of the Cross, we charge that it remain in full Force. And if peradventure any King, or Prince, account the Handwriting of his Ancestors as nothing, and stick not to alter or cancel it; may he and his Heirs be paid in their own Coin, as it is written, *with what Judgment ye judge, ye shall be judged.* If any one be summon'd to Synod by his Plaintiffs, and do not delay to meet them, at the first, second, or third Call, being ready to give an Account [of himself,] but the Plaintiff flinches, and delays to open his Cause, we will give Sentence, that nothing farther be demanded, but let him be content with his own.

7. That it be not lawful for Bishops, nor Abbots, nor Abbesses, (who receive the Government and Territories of Monasteries, to be preserv'd by them,) to diminish the Estates of their Churches, nor to grant away the Inheritance of them, for any longer Time than for one Man's Life; (and this with the Consent and License of the Family;) that it may again be restored to the Church. And notwithstanding [the Demise] let the Original Grants, with the other written Evidences, be preserved, lest they endeavour afterwards to raise scrupulous Contradictions; for it is very dangerous, for those who are appointed to be Guardians, and Defensors of Convents, to give, or take away, what is granted by others, for the Health of their Souls to God, and the rest of the Holy Ones, as their proper Inheritance; unless a just Cause require it, as Relief against Famine, or against the Depredations of the [g] Army, or for obtaining Liberty. Otherwise let [the Estate] be kept entirely undiminish'd, lest [the Monks] run the Risque of perishing by Poverty. Let every one rather be content with his own; and give that to those who are, or who are not akin to them, according to their Merits.

[g] The *Army*, in the Writers of this Age, commonly signifies the *Danish* Forces; which first infested our Coasts, *A. D.* 787. A Council was called, to put a stop to this, at *Finchall* in the Bishoprick of *Durham*, 788. and in *A. D.* 783, another at *London*.

8. Let the Monasteries which have been once dedicated with the Advice of the Bishop, and in which the Regular Life is settled, and an Abbot, or Abbess bless'd by the Bishop, remain so for ever, as also the Things which belong to it; unless they cannot continue inviolate, by reason of Poverty,

verty, thro' the Rapacity of Seculars [h] ——— that the Bishop, with his Authority, do rather defend the Flock of Christ, than let them be swallow'd as a Prey, by the Jaws of Wolves. And we charge this to be done for the great Necessity of the Family ——— where the Regular Life is, upon Examination, found to have been first settled ——— The Election of Abbots, and Abbesses, and the Consecration of them by the — of the Bishops ——— and that they be not henceforth, in any Respect, made the Property or Habitation of Seculars. Let no one think this Point now newly ordained by us. Let none think it a Trouble to find it in the Synod of [i] *Calcedon*, if he desire it: Therfore by our Authority we confirm it: And in the Name of Almighty God, we charge it to be observ'd; as we find it ordain'd in ancient Canons, and as we have learn'd it to be injoin'd by Apostolical

[h] The following Clauses of the Text being very much corrupted, I cannot entirely enter into the Sense, much less into the Coherence of them: Therfore I translate so much only, as seems to me intelligible; and put the Latin here in the Margin: *Indicabimus Episcopo cum sua Autoritate magis licuisse ovile Christi defendere, quam luporum faucibus in prædam dimittere. Et hoc fieri præcipimus pro magna necessitate familiæ, ne ex cupiditate avaritiæ causa intelligatur. Ac etiam ubi investigatur primitus constituta Regularis vita, & in ea Electione Abbatum, vel Abbatissarum, & eorum Consecratio à suorum Episcoporum, nec ultra ullatenus fieri Dominium, nec habitatio Secularium.*

I am inclined to think, that it may fairly be concluded, that Monasteries formerly possess'd by Laymen, or, at least, govern'd by them, were now wholly resigned to Religious Men: And that this is fully intimated in the last Clause, and by what follows.

[i] See *Canon* 16, 23. *Calc.* in the Second Part of the *Vade-mecum*. The printed Word is, *Calcidanesse*; but Sir *H. S.* hath justly observed, that the Synod of *Calcedon* is here meant.

lical Men, in the beginning of the Primitive Church. But if any Priest, Deacon, Clerk, or Handmaid of the Lord, dare despise this our Mandate, or the Institutions of Apostolical Men, and to set them at nought; let them know, that they are deposed from their Degree, and sequestred from all Participation with the Church of God, and anathematiz'd from the Communion of all the Elect; and that they are to render an Account at the Day of Judgment, before the Tribunal of our Lord Jesus Christ, unless they will first make amends, by humble Satisfaction.

9. We enacted in this Synod aforesaid, That every Bishop ought to set down the Judgment decreed in every Synod, or that concerns his Parish. We also ordain, that he do discreetly, and according to Order, set down what Year of the Lord it is, according to Computation, and by what Archbishop, and other Bishops sitting with him, the Judgment was devised and confirmed; lest any Man in his Parish, whose Cause has been rightly adjudged, do by false Fictions, and wicked Fraud decline the Sentence; but that it may alway remain firm and immoveable by the Evidence of your Archbishop, and the Bishop, of whose Diocese he is; who is to take one Copy of it to carry to his See, and he who is concern'd in the Sentence, another; that no Tricks of Iniquity may be made use of.

10. And we firmly ordain it, to be observ'd in our Times, as well as those of our Successors, who may in any future Times be ordain'd in the Sees in which we now are; that when any Bishop passes out of the World, then, according to our Precept, a tenth part of his Substance be given for his Soul's sake, in Alms to the Poor; of his Cattle and Herds, of his Sheep, and Swine, and also of his Provisions within Door, and that every *English*

Man

Man [of his] who has been made a Slave in his Days, be set at Liberty, that by this means he may deserve to receive the Fruit of Retribution for his Labours, and also Forgiveness of Sins. Nor let any Person oppose this Point, but rather let Addition be made to it by Successors, as it ought; and let the Memory of such an one be always kept and honour'd, in all Churches, subject to our Jurisdiction, with Divine Praises. [As soon as a Bishop is dead] let Prayers, and Alms forthwith [be offered] according to what is agreed among us, *viz.* That at the sounding of the [a] Signal in every Church, throughout our Parishes, every Congregation of the Servants of God, meet at the Royal House, and there sing 30 Psalms together, for the Soul of the deceased; afterwards let every Prelate and Abbot sing 600 Psalms, and cause 120 Masses to be celebrated, and set at Liberty three Slaves, and give three Shillings to every one of them, and let all the Servants of God fast one Day: And for 30 Days, when the Canonical Hours are finish'd in the Assembly, let seven [b] Belts of *Pater-Nosters*

[a] I think it is allow'd, that Bells were used in *England* a pretty while before this; but it is not certain, that they were universally in all Churches, as at present. This is no Proof of the Use of them; for the Latin Word here used, is *Signum*, which may signify no more than a Board, or Iron Plate with Holes, to be knock'd with a Hammer, which is retained still among the *Greeks*.

[b] *VII Beltidum Pater Noster:* This seems to imply, that they had, in this Age, a certain Number of Studs fastned into their Belts, or Girdles, which were then us'd, as Strings of Beads now are, by the Papists, for the numbring of their Prayers: But with this Difference, that the Studs were all of one Size, and that every one of them stood for a *Pater Noster*; whereas the modern Fashion is, to have ten lesser Beads, which stand for *Ave Maries*, to one larger, which stands for a *Pater Noster*.

also, be sung for him. And when this is ended, let his *Obiit* be renew'd on the 30th Day, as the Apostles use to be on their Birth-day; and let them act with as much Fidelity in this Respect in all Churches, as they do by Custom for the [c] Faithful of their own Family, by praying [for them], that by the Favour of common Intercession, they may deserve to receive the Eternal Kingdom, which is common to all Saints.

[c] Lat. *Pro eorum Domesticæ fidei.*

11. That (as 'tis found in Old-Times by Tradition from ancient Fathers) it be unlawful for any Bishop to invade the Parish of another, or to draw any Ministration to himself, which belongs to another, in the Consecration of Churches, or of Priests, or Deacons, excepting only the [d] Archbishop, because he is the Head of his own Bishops. But let others be content with their own, or [act] with the License and Consent of the Bishop, in whose Diocese they minister. If any one transgress in this Respect, let him make Satisfaction, according to the Judgment of the Archbishop, unless he be willing first to be reconciled to the proper Bishop of the Diocese.

[d] By this it should seem, that the Archbishop had not only a Visiting Authority over his Suffragans, in this Age, but likewise a concurrent Authority, to be exercis'd at Discretion; otherwise he could not have consecrated Churches, or ordain'd Clergymen, that were not of his Diocese.

And we give the same in Charge to Priests, that no one covet more Business than is allow'd him by his proper Bishop, excepting only in relation to Baptism, and the Sick: But we charge all Priests, that they deny no where to perform the Ministry of Baptism; and if any one do refuse it, through Negligence,

Negligence, let him ceaſe from his Miniſtry, till the Time of Correction, and that he be reconciled to his Biſhop by humble Satisfaction. Let Prieſts be taught, when they miniſter Baptiſm, not to pour Water on the Heads of the Infants, but that they be immers'd in the Font; as the Son of God hath in his own Perſon given an Example to all the Faithful, when he was thrice immers'd in *Jordan*. In this Manner it ought to be obſerv'd.

Theſe Latin Councils at Cloves-hoo *and* Cealc-hythe, *are but ſad Proofs of the Want of Learning here in* England, *in theſe Ages: They have ſuffer'd much by the Ignorance and Negligence of Tranſcribers; but in ſuch Parts of them as are not liable to any Suſpicion of Miſreadings, the Style is barbarous, full of redundant, not to ſay inſignificant Words, with a ſtrange Neglect of the Rules of Syntax, and even of Concords. It would have been endleſs to have taken Notice of all theſe* Errata *in my Notes, or to obſerve every ſuperfluous Word, or Treſpaſs upon* Priſcian: *Nor ought any one to affect a fine Tranſlation of ſuch uncorrect Originals.*

I cannot but obſerve to my Reader, that we are inform'd of four Synods, in the four Years Reign of Beornulf, *King of the* Mercians. *Of two of theſe we have an Account from ancient MSS. In that held* A.D. 822, *or rather,* 823, Wulfred *complains of great Injuries done by* Kenulf *to him, and his See. For all which* Beornulf *and* Cendryth, *Son and Daughter to* Kenulf, *make Satisfaction. But it is complain'd of, among other Things, that not only Archbiſhop* Wulfred *was depriv'd of his original Authority, but that the whole Nation wanted the Miniſtration of Baptiſm for almoſt ſix Years together. I conceive ther is no Account of any Interdict ſo ancient as this, nor yet ſo ſevere: For Baptiſm is allow'd to Children, even when their Parents are under Interdict, by the Canon Law. Yet it*

should seem, that the Pope was the Author of this Interdict: Because it is said to have been done by means of the Accusations, *and Discords, which the King caused; and which were brought before the Apostolical See. But the Story is taken from an anonymous MS.* Sir H. S. p. 332. *And it is scarce to be supposed, that any but the Pope shou'd suspend or interdict the Archbishop.*

A. D. DCCCLXXVII.

King ALFRED's Laws Ecclesiastical.

PREFACE.

COuncils of all sorts were rare in this Age, (but especially Synods for regulating and restoring the Discipline of the Church) by reason of the frequent Invasions of the Danes. *They first infested our Shores in the Year* DCCLXXXVII, *but grew more terrible still for almost an hundred Years together, by Intervals, and the Efforts made against them were but feeble, excepting these of the two most Religious Princes whom this Age produced; the first was* Ethelwolf, *who gave the tenth Part of his Lands to the Church: By this some understand the Tythe of all his Dominions; but I cannot believe that he wou'd give what he esteemed to be the Church's before, and that by a Divine Right; he was a Clergyman before he was a King, and we may be sure, that his Tutor, the famous* Swithun, *had sufficiently instructed him, that Tythes were not to be disposed of by Kings, but were the Grant of God to the*

the Clergy, and we are sure they had been paid and received several Ages before, here in England: *To give the tenth part of his Land, when he had such urgent Occasions for Money to stop the Progress of the* Danes, *was a sufficient Testimony of his Piety: (I say nothing of his giving the* Peter-pence *of* Northumberland *to the Pope, for this was lavish Superstition,) but what some wou'd have thought a weakning of his Power, prov'd an Increase of it: For he worsted the* Danes *in several Battles. Next to him King* Alfred *put a stop to the* Danish *Depredations, which yet they afterwards renew'd. They were for many Years so violent, that they did in effect extinguish not only Law but Religion, and reduc'd this Nation to so great a Degree of Ignorance, that King* Alfred *declares, when he came to the Throne, he knew not one on the* South *side of the* Trent, *that could construe Latin. But* Alfred *was a Prodigy of a Prince, who tho' he was of such a Martial Spirit, that he fought above fifty Battles with the* Danes, *by Land and Sea, yet found Time to spend in his Books, and became one of the greatest Scholars and Divines in the Kingdom.* Plegmund, *afterwards Archbishop of* Canterbury, Assorius, *Bishop of* Shirburn, *with* Grimbuld *and* John, *his Chaplains, taught him the Latin Tongue. And he says, with great Satisfaction, in his Preface to his Translation of* Gregory's Pastoral, *That he had now every where Learned Prelates.*

The following Laws could scarce be made before King Alfred's *first League with the* Danes, A. D. 876. *because till that Time he was wholly engaged in Wars, for the Defence of his Kingdom, and was sometimes reduced to great Streights, and must have been made before his other Laws upon* Godrun's *Baptism,* A. D. 878. *See* Sax. Chron. *King* Alfred's *Reign began* A. D. 871, *and ended* 900.

A. D.

A. D. DCCCLXXVII.

Sax. *Sir* H. S. Vol. I. p. 354.

THE Lord spake this Word to *Moses*, and the he said, I am the Lord thy God, I led thee out of the Land of *Egypt*, and out of their Bondage.

1. Love thou not other strange Gods beside me.

2. Call not thou on my Name in vain: For thou art not guiltless before me, if thou callest on my Name in vain.

3. Remember, that thou hallow the Day of Rest: Work thou six Days, and rest thou on the seventh; thou and thy Son, and thy Daughter, thy Man-Servant, and thy Maid-Servant, and thy working Beast, and the Stranger that is within thy Gates, for in six Days Christ made the Heavens and the Earth, Seas, and all Creatures that are in them; and he rested on the seventh Day, and therefore the Lord hallowed it.

4. Honour thy Father, and thy Mother, whom the Lord God hath given thee, that thou mayst be long lived on the Earth.

5. Slay thou not.

6. Steal thou not.

7. Lie not down clandestinely.

8. Speak thou not false Witness against thy Neighbour.

9. Covet not unrighteously thy Neighbour's Possessions.

10. Make thou not Gods of Gold or of Silver.

11. These are the Dooms which thou shalt appoint them, If thou buy a Christian Servant, let him serve thee six Years, the seventh Year let him be free, without Pay: With such Clothes as he came in, with such let him go out, *and so on, as in the Latin Vulgar Translation of* Exodus xxi. 1,—6.

only

ly instead of, *his Master shall bring him to the Judges*, (*Dlis* in the Latin) Alfred *says*, he shall bring him to the Door of the Temple, *ver. 6. and in the same Verse, to* my Wife and Children, *he adds*, my Goods.

12. *Is* Exod. xxi. 7,—11. *omitting the first and last Clause of Verse* 8. *the last Clause of the 9th, the first of the* 10*th Verse, and three*, and without Money, *ver.* 11.

13. *Is* Exod. xxi. 12,—14.

14. *Is* Exod. xxi. 15.

15. *Is* Exod. xxi. 16, 17.

16. *Is* Exod. xxi. 18, 19.

17. *Is* Exod. xxi. 20, 21. *and adds*, if he die the first Day, then let Guilt rest upon him.

18. *Is* Exod. xxi. 22, 23. *omitting*, as the Woman's Husband will lay upon him.

19. *Is* Exod. xxi. 24, 25.

20. *Is* Exod. xxi. 26.

21. *Is* Exod. xxi. 28,—32. *for* thirty Shekels, *King* Alfred *has*, thirty Shillings.

22. *Is* Exod. xxi. 33, 34.

23. *Is* Exod. xxi. 35, 36.

24. *Is* Exod. xxii. 1. *only instead of* five Oxen, *King* Alfred *says*, two Oxen, *and adds*, if he have none to give, let himself be sold for that Price.

25. *Is* Exod. xxii. 2,—4.

26. *Is* Exod. xxii. 5. *but thus varied*, if one do any the least Damage to the Vineyard or Field of another, let him make Satisfaction, according as Men shall value it. *I read*, ypa hic mon geeahtige.

27. *Is* Exod. xxii. 6. *abridged*.

28. *Is* Exod. xxii. 7,—12. *thus varied*, If one deposit Goods with his Friend, and he himself make away with them, let him make twofold Satisfaction. If he knew not who stole it, let him purge himself, that he hath us'd no Deceit. If it were living Stock, and he say that the [*Danish*] Army took

took it, or that it died of it self, and he h Witness of it, then he ought not to make Sa faction; if he have no Witness, and cannot pr it, let him take his Oath on't.

29. *Is* Exod. xxii. 16, 17.
30. *Is* Exod. xxii. 18. *paraphras'd.*
31. *Is* Exod. xxii. 19.
32. *Is* Exod. xxii. 20.
33. *Is* Exod. xxii. 21.
34. *Is* Exod. xxii. 22,—24.
35. *Is* Exod. xxii. 25.
36. *Is* Exod. xxii. 26, 27.
37. *Is* Exod. xxii. 28.
38. *Is* Exod. xxii. 29. *according to the Vulgar.*
39. *Is* Exod. xxii. 31. *omitting the first Clause.*
40. *Is* Exod. xxiii. 1.
41. *Is* Exod. xxiii. 2. } *Paraphras'd.*
43. *Is* Exod. xxiii. 3.
42. *Is* Exod. xxiii. 4.
44. *Is*, Always avoid Lying.
45. *Is*, Never put to Death the Upright and Innocent.
46. *Is*, Take no Bribes, for they full oft blind the Judgment of the Wise, and pervert their Words.
47. Allow not of any Unkindness toward Foreigners, and Strangers, nor molest them with injurious Dealings.
48. Swear not by Heathen Gods, and nothing, neither call upon them. [a]

[a] I have made no Reflections on King *Alfred's* singular Way of translating and transposing the ten Commandments, and the judicial Laws of *Moses*, for I thought it sufficient to shew the Reader, how the Scriptures were treated in this Age. I have the rather been sparing of my Censures, because I consider this Preface as the Work of an *English* King, who had a great Zeal for Christianity; a Thing so rare, that where-ever it is found in Princes, it ought to be admired and venerated.

In

truth, had it not been for King *Alfred*, in this Age of ar, Confusion, and Ignorance, ther is just Cause to pect, that Christianity it self had been extinguish'd re in *England*.

Tis not easy to say, with what View King *Alfred* t this Scriptural Preface to his Laws, if it were not to ew his great Esteem for God's Word. Ther is no Hint ven, that he expected his People should make the ju-cial Precepts of *Moses*, the Rule of their Actions, tho' had, no doubt, this End in his Eyes, when he begins s Preface with the Ten Commandments, and delivers em, as he had been taught at *Rome*, in his younger ays, that the Moral Law of God should be known and actis'd by his People.

We know not by what Steps and Degrees the Worshiping of Images was introduced in this Nation; but by his King's dealing with the second Commandment, we ay be sure it was now an establish'd Practice.

49. These are the Dooms which God Almighty imself spake to *Moses*, and enjoin'd him to observe.

After the only begotten Son of the Lord our God, that is, Christ our Saviour, came into the World, he declared, He came not to break, or reeal these Commandments, but to enlarge them with every Thing that is good: And he taught Mercifulness and Humility.

Then after his Passion, before the Apostles were o go thro' all the Earth to preach, while they were yet all at one Place, they converted many Heathen People to God. Then while they were yet all together, they sent Messengers to *Antioch*, *Syria*, and *Cilicia*, to teach the Laws of Christ. Then they understood what had happen'd to them: Then sent they this Epistle to them, who from being Heathen, were become Christians.

The Apostles, and Elder Brethren, wish you Health, and give you to understand, that we are grieved, that some of our Companions came to you, in our Name, and heavily charged you to observe, what

what we had charg'd you to observe; yet led
into Error with various Commandments, and
turn'd your Souls aside, than set them right.
on this we assembled our selves, and with un
mous Approbation, we have sent to you *Paul*
Barnabas, Men that are willing to offer their Sa
for the Lord's sake; with them we have sent
das, and *Silas*, to tell you the same Thing.
seem'd good to the Holy Ghost, and us, that
would lay on you no Burden, but such as was
cessary for you to keep; that is, that ye forbear
celebrate Devil-Worship, and from eating Blo
and Strangled, and from clandestine Copulatio
and that ye do not that to other Men, which
would not that they should do to you: A M
ought to consider this Doom, that he may det
mine every thing aright, and he needs no oth
Let him resolve not to pass such a Sentence on
thers, as he should be unwilling another sho
pass on him, if he undertook to judge him.

Afterwards it came to pass, that many Peo
receiv'd the Faith of Christ, then were many S
nods of Holy Bishops, and other famous wise M
thro' the whole Earth, and also among the *Engl*
after they had receiv'd the Faith of Christ. Th
they, out of that Tenderness which Christ taug
toward the greatest Crimes whatsoever, decre
That Secular Lords might, *with their Leave*, t
pecuniary Mulcts, *at their Appointment* ([b] with
Reserve to the Sin [it self] and the princi
Gui

[b] This seems to me to be the Sense of these Wo
with Submission to better Judgments; the Meaning
that the Bishops, notwithstanding their consenting
these Mulcts, yet retain'd to themselves and the Pri
the Power of enjoining Penance, and giving Absoluti
from the Crime, as it regarded, and the Conscience
the Offender.

Guilt) excepting for [c] Treason against their Lord. Toward that they durst not shew any Tenderness, because God had decreed none to such as despised him; nor did Jesus Christ the Son of God decree any toward him who betray'd him to Death. And he has commanded to love one's Master as one's self. These Men in many Synods have settled the Satisfactions [due] for many human Crimes, and they have, in many Synodical Books, commanded to be writ down, in what Case [ther shall be] one Doom, in what another.

[c] Yet in the fourth of the following Laws, as they stand in *Lambard*, (for you have here only the Ecclesiastical Laws) ther is Mention of the King's Weregild: It was a Sum of old fix'd and determin'd, and well known, and to be paid by the Relations, if the Traitor made his Escape, or if he appear'd, as a Fee, necessary in Order to get Admission to a Purgation: The Words of *Law* the 4th are, in *English*, *If he will purge himself, let him do it for the King's Weregild.*

Then I *Alfred* the King made a Collection of them, and commanded many of them, which our Predecessors had observed, [and] which I approved, to be transcribed; and those which I approv'd not, alter'd, with the Advice of my Counsellors, and commanded them to be observed in another Manner; for I durst not presume to set down in Writing very many of mine own, because I know not what would please them that were to be after us. What I found in the Days of *Ine* my Kinsman, or of [d] *Offa* King of the *Mercians*, or of *Ethelbert* (who first of the *English* Nation received Baptism) which seem'd to me most righteous, I have here collected, and pass'd over the rest. Then I *Alfred* King of the *West-Saxons*, shew'd them to my Counsellors, and they declared that they approved the Observance of all of them.

The

[d] The Laws of *Offa* seem to be lost.

The Laws Ecclesiastical of King A FRED, *separated from his C Laws.*

1. First, we teach what is most necessary, i every Man strictly observe his Oath Covenant. If a Man be wickedly bound, ei to Treason against his Lord, or to support Wr then it is more righteous to break one's W than to fulfil it. If one Covenant to do wh Righteous, and then falsify, then let him re his Arms, and his Estate, to be kept by his Frie and be a Prisoner for forty Nights, in the Plac Royal Residence, and do such Penance as the shop injoins him, and let his Kindred feed hi he want Meat. If he have no Kindred, or have no Meat, let the King's Reeve feed him. he must be compelled by Force, or else will [comply] then if he be overpower'd, let him feit his Arms, and his Estate; if he be slain, him lie without any Weregild. If he run away fore *the Time assigned by Law*, [be expired] an taken, let him be Outlaw'd, and Excommun ted from all the Churches of Christ. If he h any Surety, let Satisfaction be made for Breac Suretiship, as the Law directs; and for [a] Br of Covenant, as the Shrift shall require.

[a] This is very observable, that he who was Su for the good Behaviour of another, in Relation to State, was also answerable to the Church, so far a pay any Forfeiture incurr'd by the Principal, for a contrary to good Conscience.

2. If any one betake himself to the [b] Minster-House, for any open Crime whatsoever, which does not concern the King's Estate, or [c] some honourable Family favour'd [by the King] let him have *the Time appointed by Law*, of three Nights to provide for himself, except he will compound. If any one distress him, during the appointed Time, by slaying, or binding, or wounding him, let Satisfaction be made by Weregild, or Mulct, for every one of these in due Form, and with 120 Shillings to [d] those of the Family, as a Satisfaction for Breach of the Church's Peace.

[b] It is certain, that Religious Houses had particular Apartments, for the Accomodation of those that were in Sanctuary: For they were not permitted to eat, or sleep, much less to do other natural Actions in the Church it self: Tho' Mynster hama, may signify Church Protection.

[c] Oþerne frione hynep be æþrupþ ry. *John Brompton*'s Latin Version is, *Alteri commodo deserviat & venialis sit.* 'Tis probable, the Copy from which that Translation was made, differ'd from the present; and a small Alteration will reconcile these Words with that ancient Version. But here it deserves our Reflection, that so pious a King as *Alfred*, should see a Necessity of limiting the Privilege of Sanctuary, both as to the Crimes for which it was allow'd, as also in relation to the Time granted to the Malefactor to provide for his Flight beyond Sea. This Time which is here call'd, Fyrrt, was by the Canon Law 30 Days, and our first Christian Princes were as large as any other, in their Grants of this sort; but they soon found a Necessity of retrenching. See *Law* 9. below.

[d] *Ecclesiæ Ministris*, *Brompton*. Every Church of Old might be said to have a Family, that is, a Number of Priests, or Clerks, at least.

3. If any Man break Suretiship with the King, let him make Satisfaction for the Wrong, as Justice directs; that is, with five Pound of *Mercian* Money. Satisfaction for Breach of Suretiship with

the Archbishop, is to be made with three Pound; with another Bishop, or Alderman, for two Pound.

5. 4. We also decree, That every Church, hallow'd by a Bishop, have this Privilege, *viz.* If a [c] Foe run thither, that no Man, for seven Nights, draw him from thence; if any Man do, he incurs the Penalty of breaking the King's Protection, and the Church's Peace (if he take more [Men] from thence, the [Penalty] is the greater) if he can live for Hunger, without fighting his Way out. If they of the [f] Family have great Occasion for the Church, they may keep him in another House, so that it have not more Doors than the Church. Let the Church-Elder know, that no Meat is to be given him, during this *appointed Time.* If he be willing himself to surrender his Arms to his Enemies, let them keep him thirty Nights, and then [g] offer him to his Relations. The Privilege also of the Church is, That if any Man betake himself to a Church, for any Crimes whatever, that were before unknown, and there confess them in God's Name, half [the Mulct] be forgiven him.

[c] One that denied to do Satisfaction for the Wrong he had done to another. See *Law* $\frac{1}{3}\frac{2}{8}$. Such as these had the ancient full Privilege of Sanctuary, their Offences not being committed directly against the King or Government.

[f] See Note [d] in *Law* 2.

[g] They were to offer their Prisoner to his Friends, that if they wou'd make Satisfaction for the Wrong done, he might be enlarged.

6. 5. If one steal any thing in the Church, he forfeits the single Value of it, and also the Mulct that belongs to that single Value, and let the Hand with which he did it be taken off. If he will ransom his Hand, and that be allow'd him, let

let him pay in Proportion to his Weregild. [h] He that stealeth on *Sunday* Night, or on *Christmas*, *Easter*, *Holy Thursday*, and [i] the *Perambulation-Days*, our Will is, that he make Satisfaction two-fold; as also on the *Lent* Fast.

[h] *Bromrpton* makes two Laws of this, and places the following Part before the foregoing.
[i] *Brompton* omits the Perambulation Days.

6. If any Man take a Nun out of a Monastery, [k] without the Leave of the King, or Bishop, let him pay 120 Shillings; half to the King, half to the Bishop, and the Lord of the Church to whom the Nun belonged. If she outlive him that took her out, let her not have the least Particle of his Estate. If she bear a Child, let that have no more of his Estate than the Mother. If the Child be killed, let the Share of the Forfeiture that belongs to the Mother's Relations, be paid to the King: Let the Father's Relations have their Share paid them. 8.

[k] By this it seems, that either King or Bishop could dispense with the Nun's Vow.

7. If a Man defile the Wife of one that is rated at Twelve hundred Shillings, let him, for Satisfaction, pay One hundred and twenty Shillings; [If the Husband be rated] at Six hundred Shillings, [let the Satisfaction be] an hundred Shillings; if a common Man's, forty Shillings: And let the Pay be in living Stock, and let none part with a [l] Man on that [Account.] 10.

[l] That is, a Slave, for such might have been included in living Stock, if ther had not been a particular Exception.

8. If a Man handle the Breast of a common Man's Wife, let him make her Satisfaction with five Shil- 11.

lings; if he throw her down, but do not lie with her, [a] *with ten Shillings*; *if he lie with her*, let him pay sixty Shillings, as a Satisfaction. If another Man have defiled her before, let the Satisfaction be half so much. If [b] he be accused, and violently suspected only, let him make his Purgation by [Men rated at] sixty Plough-Land, or pay half the Satisfaction.

If this happen to a Woman of noble Birth, let the Satisfaction increase in proportion to her Weregild.

[a] These Words in the different Character, are by Oversight omitted in Sir *H. S.*'s Saxon Text; but the Latin Translation of *Lambard* is printed entire: They are also in the Jorval Translation.

[b] I read ȝif him mon teo, *&c.* and I take this to be the full Import of the Verb teon.

15. 9. If a Man fight, or brandish his Weapon, in Presence of an Archbishop, let him make Satisfaction with [c] One hundred and thirty Shillings. If this happen in the Presence of another Bishop, or Alderman, let Satisfaction be made with One hundred and twenty Shillings.

[c] In the Number of Shillings here, I follow *John Brompton*'s Translation, as most agreeable to the Tenor of these, and the other Laws. The *Sax. Chron.* is One hundred and fifty.

18. 10. If any Man unchastly handle the Breasts, or Weeds of a Nun, without her Leave, let the Satisfaction be double, as to that we before provided for Laywomen.

20. 11. If without the Lord's Leave, any thing of Value be intrusted with his Monk, and it be lost, let the Owner bear the Damage.

12. If

12. If a Priest slay another Man, let all that he has purchased, with his [d] Habit, be seiz'd, and let the Bishop degrade him; then let him be put out of the Minster, [e] unless the [f] Lord will compound for his Weregild. 21.

[d] Here I translate, by Conjecture, mid hamer, rather haamar, or haaman, Habit, or Profession, Rendition, that is, by means of his Benefice. I believe few will be satisfied with the old Version, *viz. Presbyter-capiatur --- & totum unde sibi mansionem emerat.* Mr. *Lambard*'s Version differs from this now mentioned, in Words only, not in Sense.

[e] I suppose he was put out of his Monastery, or Church, (for Minster signifies both) in Order to suffer perpetual penitential Exile, except the Lord would compound for the Ransom: For the Priest is supposed to be disabled from paying it, by the Seizure of his Goods, beforementioned, which must be supposed to have been done by his Spiritual Lord, the Bishop, or Abbot.

[f] The Priest's Lord was the Bishop, or Abbot.

13. If any one ravish the Maid-Servant of a Common Man, let him make Satisfaction to him with five Shillings, and pay sixty Shillings as a Mulct. If a Man-Slave force a Woman-Slave, let him make Satisfaction with [the Loss of] his Genitals. If a Man force a Woman, before her Puberty, let Satisfaction be made, as if she were of full Growth. 25.

14. If any Man implead another of [g] Breach of Promise to God, and will accuse him for that he has not perform'd somewhat that he had plighted, let him first give his Oath on't in four Churches, and the other, if he will justify himself, let him do the same in twelve. 29.

[g] This is a Crime of which no Courts have taken Cognizance, for many Ages past. The old Jorval Translation understands it of such as had vow'd to be Monks,

1. 15. If one bind a Common Man, guilty of no Crime, let him make Satisfaction with ten Shillings; if he beat him, with twenty Shillings; if he put him to the Torment, with thirty Shillings; if he opprobriously shave him, like a Fool, with ten Shillings; if he shave him like a Priest, (tho' he do not bind him) thirty Shillings; if he shave off his Beard, with twenty Shillings: If he first bind him, and then shave him like a Priest, then let him make Satisfaction with sixty Shillings.

14 16. If Men fight before the King's Aldermen in Court, let the Satisfaction be made as for Blood, and a Mulct paid, as Right is, and before that, One hundred and twenty Shillings, a Mulct to the Aldermen. If any one cause Disturbance in the County Court, by brandishing of Weapons, let him pay One hundred and twenty Shillings, as a Mulct to the Aldermen: If somewhat of this happen before the King's [h] lesser Alderman, or the [i] King's Priest, let thirty Shillings be paid for a Mulct.

[h] Probably the Sheriff, or lesser Reeve.

[i] Some suppose, that the Bishop is here call'd the *King's Priest*; but this seems highly improbable; for to brandish a Weapon in his Presence, was One hundred and twenty Shillings Forfeiture; in the Priest's Presence, but Thirty Shillings. It may seem strange, that the Alderman is spoken of as sitting in the Folke-gemote, or County-Court, without the Bishop; but it is to be remembred, that drawing a Weapon in the Bishop's Presence, had been mentioned, and tax'd before, in the 9th *Law*, and ther was no Occasion to repeat it here: And it must be supposed, that the Alderman sate sometimes without the Bishop; for some of the Dioceses were then so large as to contain very many Shires, and the Bishop could not, in his own Person, attend all these Assemblies, but only such Shire-Courts as required the greatest Solemnity, and where his Presence was in a special Manner necessary, from the Nature of the Business there to be transacted; the Priest who sate in his stead, in the County Business, or any smaller Gemote, might be call'd the King's Priest.

17. Burg-

17. Burglary committed in the King's Burrough, is One hundred and twenty Shillings, in the Archbishop's, ninety, in another Bishop's, or Alderman's, sixty; in a Man's that is rated at Twelve hundred Shillings, thirty Shillings; in a Man's that is rated at Six hundred Shillings, fifteen Shillings: Breaking up the Fence of a common Man, is five Shillings: If this happen [k] when the Army is out, or in *Lent*, the Mulct is doubled. If Men, without leave, take down the [l] holy Veil in *Lent*, let Satisfaction be made with One hundred and twenty Shillings. 36.

[k] The Punishment of breaking Houses, or Fences, when the Army went out, was doubled, because the Violence of the Soldiers at such Times, needed a greater Restraint. It was doubled in *Lent*, on Account of the Solemnity at that Time.

[l] The Lenten Veil was a Curtain, drawn between the Altar and the People, during Mass, whereby the People were prohibited from seeing any thing that was done: This was to shew the want of Divine Light and Knowledge under the Law, says *Durandus*, *l.* 1. *c.* 3. and by this, and other Managements of the Pope, and his Under-Agents, the Times of Christ, and his Gospel, were as dark as those of *Moses*. We are not to wonder the People took it ill, to be debarr'd the sight of what they might in part view at other Times, and therfore tore down these Veils. And 'tis probable, this Veil was a new Invention, and therfore the more highly resented by the People; and for that Reason a severe Law was necessary to restrain their Fury.

18. We decree, That the Man that has Land holden by written Instrument, which his Kindred left him, may not give it away from his Kindred; if ther be either Writing or Witness, that a Charge was given by those who first purchased it, and of them who gave it to him, that he might not so do, and it were so declared before his Relation, by the Testimony of the King and [m] Bishop. 37.

[m] By this it appears, that the Presence of the Bishop was very proper, if not necessary, in transacting and confirming Civil Disputes, and Rights of Moment.

38. 19. [a] And we command, That he who knows his Foe to be at home, do not assault him, till he have first demanded Right of him. If he have Strength sufficient to beset and confine him, he may do it for seven Nights, but not assault him, if he keep within Doors. And if he will within seven Nights come to hand, and surrender his Arms, let him keep him safe thirty Days, and let him have Communication with his Kinsmen, and Friends. If he run to the Church, let Honour be done to the Church, as we above declared. If he have not Strength to beset him, let him ride to the Alderman, and demand his Help; if he deny his Assistance, let him ride to the King, before he make an Assault. A Man may make Assault, without Mulct, if he find another Man with his Wife, and the Doors shut, or under one Covering with her, or with his Daughter, born in Wedlock, or with his Sister, lawfully born, or with his Mother, lawfully married to his Father.

[a] I added thus much of this Law to Sir *H. S.*'s Collection, not only to shew the Nature and Occasion of deadly Feuds; but to explain the 2d and 4th *Law* concerning Sanctuaries.

39. 20. [b] Let these Days be indulged to Free Servants, but not to Slaves and [c] Drudges, twelve Days at *Christmass*, the [d] Day on which Christ prevail'd against the Devil, and St. [e] *Gregory*'s Mind-day, seven Days before *Easter*, and seven after, and one

[b] Not *Christmas*-day it self, but the twelve Days after *Christmas*, were allow'd to Free Servants to work for themselves, *&c.* See *Law* 7 of *Alf.* and *Guth.*

[c] The Jorval Lat. has, *pauperes operarios.* Therfore the *Saxon* Copy used by that Translator, had Ƿyphrum, not Rihtum, In which I follow him.

[d] *Ascension*-day, or the First *Sunday* in *Lent.* The Series favours this.

[e] *March* 12.

one Day at [f] St. *Peter* and St. *Paul*'s-tide, and a full Week before [g] St. *Mary*'s-*Mass* in Harvest, one Day [for] the Celebration of *All-Saints*. And the four *Wednesdays* on the four *Ember*-Weeks, are indulged to all Slaves, to bestow what Time is given to them in God's Name, to such as are most beloved by them; or [h] they may on any of these Intervals earn [by their Labour].

[f] *June* 29.

[g] Assumption, *Aug.* 15.

[h] This was one Means by which Slaves might get a Property of their own. In the Sermon of *Lupus*, at the Time when the *Danes* exercis'd the greatest Outrages against the *English* People, one great Grievance there mention'd is, That Slaves could not have what with great Difficulty they had earn'd *in their own spare Times*. Sax. on aganan hpilan, not *diuturnâ sui temporis usurâ*, as it is rendred, *Dissert. Epist. p.* 100.

A. D. DCCCLXXVIII.

King ALFRED's and GUTHRUN's Laws Ecclesiastical.

PREFACE.

Since the Danes *had first begun to make Descents and Inroads upon the* English, *the Face of Affairs in this Nation was very deplorable. Between the Rapines of the Enemy, and the Demands of our Kings, for the Defence of the People, the Nation was greatly impoverish'd; little Regard was paid to the Law; Churches and Monasteries were either demolish'd, or de-*

prived

prived of Divine Service; Learning was wholly neglected: But when Alfred *came to the Throne, he gave a great and happy Turn to the Face of Affairs. He was a King of a Martial Spirit, and is said to have fought fifty-six Battles, by Land and Sea: And within seven Years after his Advancement to the Throne he so far reduced the* Danes, *as to bring them to Terms of Agreement. Their King* Guthrun *professed Christianity, and is baptized,* Alfred *standing Godfather at this Solemnity: He relinquishes all further Pretensions on King* Alfred *and his People, on Condition that he might have the Kingdom of* Northumberland *and of the* East-Angles: *And these are the Religious Laws by which they agreed to administer their Government; for I conceive, that as to Civil Matters, both Kings were left to their own Native Laws. The Truth is, King* Alfred *seems to have studied nothing but Religion and War; and in these Respects he clearly excell'd all his Ancestors, the Monarchs of all* England, *and was therfore deservedly called* ALFRED THE GREAT. *The new Arts of Civil Government, and Foreign Trade, have swell'd the Volumes of our Laws in these later Ages.*

It is certain, that this Guthrun, *who made an Alliance with King* Alfred, *died long before* Edward *came to the* English *Throne; but then it is as certain, that King* Edward *made, or renew'd this Alliance with the* Danes, A. D. 907. *And tho' the former* Guthrun *were then dead, yet another of that Name might then Reign in* Northumberland, *and* East-England: *And this Preface intimates, that these Laws were more than once enacted by common Consent.*

A. D. DCCCLXXVIII.

Sax. Sir H. S. Vol. 1. p. 390.

THIS is the Ordinance that King *Alfred* and King *Guthrun*, and afterward King *Edward* and King *Guthrun*, made and publish'd, when the *English*

English and the *Danes* received each other into perfect Peace, and Friendship, and the Wise Men in After-Times, have full oft renew'd and improved them for the better; that is,

In the first place they declared, That they would love One God, and abandon all Heathenism in earnest. And they have enacted a just secular Law, because they knew, that they could not otherwise govern many, who would not submit (as they should) to Ecclesiastical Discipline. And they have decreed a Secular Discipline between Christ and King, in all Cases, where Men were unwilling to conform to Ecclesiastical Discipline, with a just Regard to the Authority of the Bishops, *viz.*

1. That the Peace of the Church within its Walls, and the Peace of the King's Right Hand be equally inviolable.

2. And if any one do reject the Christian Religion, or shew his Esteem for Heathenism, let him pay his Weregild, and a [a] Mulct, and a Fine, in proportion to the Fact.

[a] The Mulct, Wite, always belongs to the *English*, the Fine, or Lahslite, always to the *Danes*.

3. If a Man in Orders steal, or fight, or forswear, or commit Uncleanness, let him make Satisfaction, in proportion to the Fact, both by his Weregild, by Mulct, and Fine: Especially let him make Satisfaction to God, as the Canon directs, and find a Surety, or be put into Goal. If the Mass-Priest misinform the People, concerning a Feast or a Fast, while he is celebrating Offices, let him pay thirty Shillings among the *English*, two [b] Marks and half among the *Danes*. If the Mass-Priest do not fetch the Chrism duly [c] at the appointed Time, or refuse to baptize in Case of Necessity, let him

[b] A *Mark* was Thirty Pence.
[c] *Maundy-Thursday*.

him pay a Mulct among the *English*, a Fine amo the *Danes*, that is, twelve [d] Ores. If a Man Orders commit a Capital Crime, let him be ſerv'd to the Biſhop's Doom.

d An Ore was an Ounce.

4. As to inceſtuous Perſons, the Wiſemen ha decreed, That the King have the better of the the Biſhop the worſe, unleſs Satisfaction be mad both toward God, and toward the World, in pro portion to the Fact, as the Biſhop directs. If tw Brothers, or two near Kinſmen, lie with the ſam Woman, let them make Satisfaction with Diligenc according as it ſhall be agreed, both by Weregil by Mulct, and Fine, in Proportion to the Fact.

5. If one that is to ſuffer Death for his Crime deſire [e] Shrift, let it never be deny'd him: And let Men, for the Mercy of God, [f] promote every Divine Ordinance, and regulate Puniſhment according to the Wiſemen.

e Confeſſion and Abſolution.

f Jorv. Lat. *Pacificentur*: The Tranſlator read ꝼnꝼꝼꝺe, but ꝼynꝼꝼnꝺe, is better; and I ſhou'd read ꝺoꝼcæꝺon, rather than ꝺolæꝺon.

6. If one with-hold his Tithes, or his *Rome*-Fee, or do not pay his [g] Light-Scot, or his Plough-Alms, or deny any Eccleſiaſtical Rights, let him pay a Mulct among the *Engliſh*, or a Fine among the *Danes*. If he fight againſt [thoſe who demand it] and wound a Man, let him forfeit his Life; if he kill a Man, let him be Out-law'd; and let all that love Right purſue him with [h] Hue and Cry: And if he cauſe Men to kill him, by oppoſing the Right of God, and the King, and if this be aver'd, let him lie without any Satisfaction.

g Here is firſt Mention of the Light-Scot.

h I read, hꝼeamaan, rather than heaꝼ-m, eſpecially becauſe Jorv. Lat. has it, *cum clamore*.

7. If

7. If any Man set Goods to Sale on *Sunday*, let him forfeit those Goods, and twelve Ores, among the *Danes*, thirty Shillings among the *English*. If a Freeman work on a Festival Day, let him forfeit his Freedom, or pay his Mulct or Fine: Let the Slave forfeit his Hide, or a Compensation for it. If a Lord force his Servant to work on a Festival, let the Lord pay a Fine among the *Danes*, a Mulct among the *English*.

8. If a Freeman violate a solemn Fast, let him pay a Mulct, or Fine: If a Slave do it, let him forfeit his Hide, or a Compensation for it.

9. Oaths and Ordeal are forbidden on Festival-Days, and solemn Fast-Days. He who breaks this, pays a Fine among the *Danes*, a Mulct among the *English*. Let no Execution be done on any Man, on the *Sunday* Festival, (if possible) but let him be kept till the Festival is past.

10. If a Malefactor, having forfeited himself, have had a Limb cut off, and being left to himself survive the third Night; afterwards he that is willing to take Care of his Sore and Soul, may help him, with the Bishop's Leave.

11. If it be known that ther are any where in the Land, Witches, Conjurers, Forswearers, such as murder by secret Arts, or foul, filthy, open Whores, let them be driven off the Earth, and the Nation purged; or let them wholly get them gone of themselves, except they desist, and make deep Satisfaction.

12. If a Man in Orders, or a Stranger, be seduced to any thing that touches his Goods or Life, then shall the King, or the [i] Earl of the Country, or

[i] The Earl was next above the Alderman; his Were-gild was equal to that of an Archbishop, as you may see in the Memorials subjoin'd to these Laws; whereas the Alderman's was but equal to that of a Bishop; yet these Titles are often confounded, in ancient Monuments.

or the Bishop of the People be instead of K dred, an Advocate to him, if he have none d But let him make Satisfaction to [k] Christ, and t King, with all Diligence, in proportion to t Fact: Or else let the King that is over the Peo severely punish the Crime.

[k] By this was meant Penance.

A. D. DCCCCVIII.

Provision for filling vacant Sees.

PREFACE.

A*Bout this Time, this whole Nation was* under *the Pope's Curse, or Interdict, as Sir* H. S p. 309, *on account of the long Vacancy of seven Bishops Sees. It is said, the* West-Saxons *had been without any Bishop for seven Years together. But on the coming of the Pope's Bull, the King that then was,* viz. Edward *the Senior, and* Plegemund *Archbishop of* Canterbury, *in a Synod where the Archbishop presided, erected five Dioceses in* West-Saxony, *instead of the two that were before, and nominated Bishops to fill them; but they were not consecrated, till* Plegemund *had first been at* Rome, *and laid the Proceedings of the King and Synod before the Pope, and purchased his Reconciliation with costly Presents; and on his Return, he Consecrated those five Bishops, as also a sixth for the* South-Saxons, *a seventh for the* Mercians.

Ther

There is a Provision in the Pope's Bull, which deserves to be made a Law in every Church in the World, by some better Authority than that of a Pope, and which I here insert.

A. D. DCCCCVIII.

THat for the future, when any Bishop dies, ther be no Delay in placing another in his stead. *Lat.*

I am sensible ther must be an Error in ascribing this Bull and Provision to Pope Formosus, *who died* A. D. 895. *near six Years before King* Alfred's *Demise, and* Edward's *Accession. But if we substitute* Sergius *for* Formosus, *all runs clear. He came to the Popedom little, if at all, before the Year* 908: *Then King* Alfred *had been dead seven Years; and he is acquitted from all Blame, as to the long Vacancy of the Sees, and particularly that of* Winchester, *which was his own Royal Seat. And who can wonder, if the Monks chose to report this Papal Act, as done by* Formosus, *who was a popular Pope, and made more popular, by the barbarous Treatment of his dead Corps, and Memory, than by such a Monster of a Man, and Pope, as* Sergius *proved, and more infamous for nothing, than for joining the Enemies of* Formosus, *and out doing them all.*

A. D. DCCCCXXV.

King ETHELSTAN'S La
Ecclesiastical.

PREFACE.

THis Year Ethelstan *was crowned King,* Wulfhelm *Consecrated Archbishop of Ca* bury; *then, or some few Years after, they twenty-six Laws, whereof these following are E astical.*

A. D. DCCCCXXV.

Sax. Sir H. S. Vol. 1. p. 396.

I *Ethelstan,* King, by the Advice of *Wul* my Archbishop, and other my Bishops, mand all my Reeves, in the Name of the and his Saints, that they do in the first give Tithes of all my Estate, both of the Stock, and of the Fruits of the Earth, and all the Bishops do the same, of all that be to them, as also my Alderman and Reeves. my Will is, that my Bishops, and Aldermen Reeves, give this in Charge to all that are si to them, and that they do it effectually, b Time that we here fix'd, that is, the behe of St. *John* Baptist. Let us consider what said unto the Lord, *I will give thee my Tythes* [a] *my Peace-Offerings.* And what our Lord *To all them that have, shall be given, and they* ab

[a] This is an Interpolation. See *Gen.* xxviii. 22.

abound: And we may remember what, to our terror, is written in this Book, [b] *If we are unwilling to pay our Tythe, the nine parts shall be taken from us.*— It is not my Will, that ye get any thing for me by indirect means.

[b] This is a Saying of *Ambrose*.

I *Athelstan*, King, declare to all my Reeves, with Advice of Archbishop, Bishops, and Servants of God, That it is my Will, that, for the forgiveness of my Sins, ye always feed one poor *Englishman*, and give him, from two of my Farms, every Month, an [c] Amber of Meal, and a Gammon of Bacon, or one Ram worth four Pence; and one [d] Shroud every Year for the Twelve Months [wear]; and that ye set at Liberty some one that has for his Crimes been condemned to Slavery for the Mercies of Christ, and for my Love, with the Testimony of the Bishop in whose District it is; and if the Reeve withhold it, let him pay thirty Shillings as a Satisfaction, and let the Money be distributed to the Poor who dwell in the Town where this omission was made, under the Bishop's Testimony.

[c] The certain quantity of this Measure is now unknown.

[d] A Garment that covered the whole Body.

2. And we decree against breaking into a Church, if the Man appear guilty by the [e] threefold Ordeal, let him make Satisfaction, as the [f] Doom-Book directs.

[e] The most common Ordeals were those of hot Iron, and hot Water. In the first, simple Ordeal was carrying one Pound of hot Iron: Twofold Ordeal was carrying two Pounds: Threefold Ordeal was carrying three Pounds for the space of nine Feet. The simple Ordeal in hot Water, was taking a Stone out of boiling Water, hanging by a String no deeper in the Vessel, than that a Man might take it out by dipping his Hand no farther than the Wrist. Twofold Ordeal was, when the Stone hung so deep in the Water, that the Man must dip his

Hand half way between the Wrist and Elbow. Th
fold Ordeal was, when he must dip up to the Elb
Ther was another Ordeal us'd for the most Inferior S
that, I mean, of cold Water; still us'd by Ignorant Pe
in trying Witches. *See Law* 5. *below*.

[f] That is a Book containing the foregoing Law,
others now lost.

6. 3. And we decree concerning Witchcraft, s
gical Medicines, and secret Arts of Murder;
one have been Slain, and the Man cannot deny
let him forfeit his Life; if he will deny it,
appear guilty at the threefold Ordeal, let him
120 Nights in Prison; afterwards let his Relati
take him out, and pay the King 120 Shillin
and to his Relations the Price of his Blood;
let them become his Sureties, that he do ever
sist from such [Practices]. And let Incendia
and such as vindicate Thieves be [thought] wo
of the same Treatment. And let him that
vindicate a Thief, tho' he wound no Man, pa
the King 120 Shillings, for his insult against I

[g] Lyblac is, by *Lambard* and *Somner*, said to
Barbarous Sacrifice; the latter supposes that it was
Animal burnt alive, and it must be own'd, that the
on word is clearly capable of this meaning; but it
sure that Lib, or Lyb, signifies a Charm, and l
often a mere Termination. I observe it is always
with Witchcraft, Magic, *&c.* excepting the 6th La
Edmund 943.

14. 4. And we decree, That the Coin be the s
over all the King's Dominions, and that none
minted where ther is no [h] Gate. If the Coiner
fend, let the Hand with which he committed
Crime be struck off, and set up over the Minti
Ho

[h] Some by Portc here understand a Haven, but
cannot be, because several Places mention'd in this
never were Ports in this sense. A Town that has Ga
has also Walls, and therfore was a Place of greater S
rity. Such Towns as have no Gates, give freer ing
and egress to all sort of Malefactors.

House. If he be accused and will purge himself, then let him go to the hot Iron, and let the Hand with which he is accused to have committed the Crime, make the Purgation. And if he appear guilty by the Ordeal, let him be dealt with as is before said. At [i] *Canterbury* let ther be seven Coiners, four of the King's, two of the Bishop's, one of the Abbot's. At *Rochester* three, two of the King's, one of the Bishop's. At *London* eight. At *Winchester* 6. At *Lewes* two. At *Hastings* one. At *Chichester* one. At *Hamton* two. At *Werham* two. At *Excester* two. At *Shaftsbury* two. At every other Burrough one.

[i] Ther is Money still extant with *Ceolnoth* Archbishop of *Canterbury's* Face on it,

5. If any one make a Promise of Ordeal, let him come three Nights before to the Mass-Priest who is [k] to haslow it, and live on Bread and Salt, Water and Herbs, before he go to it; and let him stand at his Masses these three Days, and make his Offering, and [l] go to Housel the same Day that he goes to Ordeal; and take an Oath that he is not guilty, according to the common Law, of the Accusations. And, if it be [m] Water-Ordeal, let the Rope go two Ells and half below the surface. 23

[k] See the account of Ordeal after these Laws, and the Notes there.

[l] This is the old Phrase for receiving the Sacrament of Christ's Body and Blood.

[m] This is meant of cold Water Ordeal, or swimming Men to try whether they be guilty or not guilty. The *Jorval* Translation, as well as *Lamb.* says, *an ell and an half:* This is only a Proof that *Brompton*, or whoever was the Author of that Translation, did understand the Saxonic Tongue but very imperfectly, and were far inferior to *Somner*, and *Hicks*, and *Marshal*, in this respect, the *Saxon* is þneo healfe elne: and one Ell and an half is scarce the middle stature of a Man. *See Sax. Gram. p.* 33.

face. If it be Iron-Ordeal, let it be three Nights before the Hand be undone. And let all his Accusers be first demanded to give their Oaths. And let them that are there, of either side, be fasting, according to the Injunction of God and the Bishop: And let ther not be more than twelve of either Party; if he that is accused bring more, let the Ordeal be null, except they will be gone from him.

24. 6. —— Let ther be no Marketing on *Sundays*: Let the Offender forfeit the value of the Goods, and pay thirty Shillings.

25. 7. Let him that takes a false Oath, if it be discovered, never be [thought] worthy to be admitted to swear afterwards; nor when he dies, to lie in a consecrated Churchyard; unless he have the Testimony of the Bishop of the Shire, to which he belongs, that he hath made Satisfaction according to what his Confessor enjoin'd him. Let the Confessor inform the Bishop within thirty Nights, whether he be willing to make Satisfaction. If he do not so, let him make Satisfaction according to the Bishop's Injunction.

[a] If my Reeves will not do any of this, or do less than we have commanded, let them pay for their Contumacy against me: And I shall find other that will: And let the Bishop amerce the [b] Contumacy of the Reeves within his District. He that departs from this Ordinance the first time, let him pay Five Pounds, the second time the Price of his Blood; the third, all that he hath, and the Friendship of us all.

[a] This Paragraph seems properly to belong to the first Law.

[b] *Saxon* oreohynnerr, a Law Term. The Mulct was 120 Shillings by the first Law of King *Edward*.

All this was decreed at the Great Synod at *Grathea*, where was *Wulfhelm* the Archbishop, with all the Noble and Wise Men that King *Ethelstan* had called together.

Here follow some Laws, or Memorials, concerning Ecclesiastical Matters, which are not in the Saxon *Copies, but only in the* Latin, *and which Sir* H. S. *gives us, Vol.* 1. *p.* 404, *&c. As* Grathea *was the Place where King* Ethelstan *held his first Great Council; so we are assured, that he held several others at* Exeter, Feversham, Thunderfeld, *and* London: *And in some of these Councils, probably, these Additions were made. I continue the Numbers only for the sake of Reference.*

8. As to Ordeals, we charge, in the Name of God, and by the Precept of the Archbishop and all my Bishops, that no one go into the Church, after the carrying in of the Fire, with which the [a] Ordeal is to be heated, but the Priest, and the Person to be tried: And let nine Foot be measured out from the Stake to the Mark, according to the length of the Person's Foot who is to be tried. And if it be Water-Ordeal, let it be heated till it boils: And if it be a single Accusation, let the Hand be dipped to the Fist only, to take out the Stone; but if the Accusation be threefold, then let it be dipped to the Elbow: And when the Ordeal is ready, let two of each Party come in, to see *Lat.*

[a] Ordeal in this Law clearly signifies the Water, or Fire, with which the suspected Party was tried: It is in the *Latin* called *Judicium*: Which very much countenances the Opinion of the eminent Dr. *Hickes, viz.* That the Word *Ordeal* is the same with the old *French*, Uptel, which signifies Judgment, or Doom. *Dissertatio Epistol. pag.* 149.

that it be sufficiently heated, and let an equal number of both sides enter, and stand on each side of the Ordeal along the Church; and let them all be fasting, without having been with their Wives the foregoing Night; let them humble themselves at the Priest's sprinkling the Holy Water upon them: And let the Priest give them the Holy Gospel Book and the Sign of the Holy Cross to be kiss'd. And let no Man encrease the Fire after the [b] Consecration is begun; but let the Iron lie in the Fire till the last Collect, then let it be laid [c] on the Pillar: And let nothing be said, but Prayers to God; that he may reveal the Truth: And let the Person accused drink Holy Water, and let the Hand in which he is to carry the Ordeal be sprinkled with it. Let the nine measured Feet be divided into three Parts, containing each three Foot. Let him place his right Foot at the first Mark at the Stake, at the second Mark let him put his right Foot foremost, when he is come to the third let him throw down the Iron. Let him speed to the Holy Altar, and let his Hand be seal'd up. On the third Day let Inspection be made whether ther be any [d] Filth or not, in the place that was sealed up. If any one break these Laws let the Ordeal be null, and a Mulct of 120 Shillings be paid to the King.

[b] The Fire and the Water, both hot and cold, had many Prayers, Crossings, and other Ceremonies perform'd over it by the Priest, before the Person was tried by it. He that desires to see the Forms of Consecration, may find them at large transcribed from the Text. *Roffen.* at the end of the *Fasciculus rerum*, publish'd by Mr. *Brown*; and he will say, he never met with any thing more nauseously Superstitious.

[c] *Lat. Super Staples.* Some Supporter made of Stone, or Iron, from whence the Person to be tried was to take the hot Iron into his hands.

[d] If ther was any Matter, or Corruption, the Person was condemned as guilty: If ther was none, or the Priest could see none, he was acquitted.

9. It does of Right concern the Bishop to promote every Observance, both Divine and Secular. In the first place he ought to instruct him that is ordained what is of Right to be done by him, and how they ought to judge Seculars; and diligently to conciliate Peace and Concord with Secular Judges, who have an Inclination to right and to instruct them in [e] purging away Accusations; that one may not act amiss toward another in case of Oath or Ordeal.

[e] So I translate *in compellationum allegiatione*, read *Allegiatione*; literally, *Inlawing themselves against such Accusations, by which they were in danger of being outlaw'd.*

Nor ought he to permit any Fraud by unjust Measure or Weight; but it is fit, that by his Council and Attestation every Publick Law, and the Measure and Weight of [every] Burrough be rightly adjusted, according to what he says.

[And] that no one seduce his Neighbour, so as that he fall into Sin. And a Christian [Bishop] ought always to make Provision against the Particulars aforesaid; and on that account he ought rather to interpose in divers Matters, that he may know how his Flock, which he received at the hand of God, to look after, behave themselves; that the Devil may not wrong it, nor disseminate Evil among it.

For the People will never be well provided for, nor be guided in such a manner as God requires, where ungodly, or rather, false Gain is loved: Therfore all Friends of God ought to weaken Iniquity, which deserves to be set at nought, and not permit Men to forfeit themselves to a truly wise God, to whom all Injustice is displeasing, on account of their Falsity and getting of Money.

And it is necessary for all Christians, that they love Right and condemn Wrong; and that they who are promoted to Sacred Orders, do always advance what is right, and depress what is wicked. Therfore Bishops ought to be present with Secular Judges in their Judicatures, that they may not, if possible, permit any Sprouts of Pravity to spring up.

And it concerns Priests, in their Diocese, diligently to help every one, as to what is Right, and not to suffer, if they can, one Christian to hurt another, that the Potent be not troublesome to the Impotent, the Superior to the Inferior, the Prelate to his Subjects, the Master to his Men, whether bond or free. And it is fit, that [f] Testamental Servants work according to the Bishop's Word, and the Measures fixt by him in the whole Shire over which he presides.

[f] That is, Slaves, which used to be given to surviving Friends by Testators. Many Instances of this may be seen in *Miræus's Codex Donationum.*

And it is right, that one measuring Rod be not longer than another, but all adjusted to the Bishop's Measure, and made even throughout his Diocese. And let every Weight be the same according to his Word; and if ther be any Dispute, let the Bishop decide it.

And it is necessary, that every Master be compassionate and condescensive to his Servants, in the most indulgent manner that is possible. The Slave and the Freeman are equally dear to the Lord God, who bought them, and bought them all with the same Price. And we are all of necessity Servants to God, and He will judge us in the same manner, that we on the Earth judged them, over whom we had a Judicial Power.

A. D.

A. D. DCCCCXXVI. or thereabouts.

Laws or Memorials of King ETHELSTAN.

PREFACE.

IN *Mr.* Lambard's *Collection of* Saxon *Laws we have, in the next place, King* Ethelstan's *Council held at* Excester *in* Christmas. *Where, after a Complaint made, that the Laws made at* Grathea *were not observed, an unanimous Resolution is taken to drive the Transgressors out of* England; *and two Civil Laws are added, beside a third which concern'd the Church, and here follows.*

A. D. DCCCCXXVI. or thereabouts.

1. LEt all the Servants of God, in every Minster, *Sax.* sing fifty Psalms to God for the King every *Friday*, and for all that will what he wills, and for others as they deserve. And every Man that will may make Satisfaction with his Accuser, for every Crime objected against him, till the next Perambulation-Days, [a] without any Mulct. Afterwards let it be as it was.

[a] This was an Act of Grace: The King forgives Mulcts due to him, so that the Offenders make Peace with the Injur'd Parties before Rogation next. The *Saxon* is plain, the *Latin* is unintelligible to me.

These

These [b] *useful Memorials immediately follow in* S. H. S. *p.* 405.

[b] I call these useful, because they shew the seven Degrees and Ranks of Men then in the Kingdom, and the Rates of the Weres, or Weregilds, at which they were laid, of which so frequent mention is made throughout this Volume. But I am far from thinking, that the certain value of the Coins, or Denominations of Money hinted in these Memorials, can be learned from hence: at least, I may dare say, that no Man hath yet done it to the satisfaction of an inquisitive Mind. Any one may see how the great Restorer of *Saxon* Learning fail'd in this Point. *Pref. to the* Thesaurus, *p.* 41. *Dissert. Epist. p.* 110, 111. Therfore I presume not to meddle with these Money Matters.

2. The King's Weregild at the Common Law, among the *English*, is Thirty Thousand Thrymsa; fifteen Thousand for his Person, the other fifteen Thousand for his Kingdom. The first belongs to his Kindred, the Kingbote to the People of the Land.

An Archbishop or Earl's Weregild is fifteen Thousand Thrymsa.

A Bishop or Alderman's Weregild is eight Thousand Thrymsa.

A General or High-Reeve's Weregild is four Thousand Thrymsa.

A Mass-Thane, and a Secular Thane's Weregild is two Thousand Thrymsa.

A common Man's Weregild is 267 Thrymsa by the *Danes* Law.

A Stranger's Weregild, if he have a Family, and Estate, and pay his Tax to the King, is 220 Shillings. If he have but half a Plough-Land, let his Weregild be eighty Shillings. If he have no Land, but be free, let the forfeiture be seventy Shillings.

If

f a common Man have five Hide of Land, and be kill'd, let the Payment be two Thousand rymsa. Or if he have a Breastplate and Hel-, and a Gilt-Sword, tho' he have not the Land, d if his Son or Grandson have so much Land, their Successors be King's Officers, and let two ousand Thrymsa be paid for them.

n *Mercia*, the common Man's Weregild is 266 rymsa, this is 200 Shillings. The *Thanes* is six es as much, that is, 1200 Shillings. The King's gle Weregild is six times as much as the Thanes, t is, thirty Thousand Skeats, in all, 120 Pounds; l as much is to be taken for Kinggild. The ndred have the Weregild, the People of the Land Kingbote.

3. The Oath of him that is rated at 1200 Shil-gs is of as great Value as six common Mens; his Weregild is as much as six common Mens. e Mass-Priest's and the Secular Thane's Oath the same among the *English*.

The following Memorial, which Brompton *puts a-mong the Laws of King* Ethelstan, *and which Dr.* Hicks *prints from the old Saxonic Copy in the* Text. Roffen. *I have thought fit here to insert.* See Differt. Epist. p. 113. *Its Title is,*

Concerning the Merits and Legal Condition of the People.

4. It was once the Constitution of the *English*, at the People, and their Legal Condition, went cording to their Merits, and then were the Coun-ors of the Nation honoured, each one according his Quality, the Earl and the Churl, the Thane l the Sub-Thane. If a Churl thrived so as to e five Hides of his own Land, a Church, and Kitchen,

[c] Kitchen, a Bell-Tower, a Seat, and an
the King's Court, from that time forwa
esteemed equal in Honour to a Thane.
Thane so improved, that he ministred [to
and rode an Embassy with his own Ret
had a Thane to follow him, who had
[of Land], upon a Royal Expedition, [a
ded his Lord in the King's Court; and
gone a Royal Embassy; he might afterw
his [d] Foreoath act in his Lord's stead
Occasions; and impeach Men according
in any Case where [e] he himself might do
if he who was thus accused had not forfe
self], he purged himself upon Oath, ac
his Quality, or else [f] forfeited himself.
Thane so improv'd, that he became [eq
Earl, he was esteem'd worthy of the Ho

[c] It has been observed, that a Triburg, t
or more Families of Freemen eat together.
appear, that every Thane's, or Great Man's F
of itself esteem'd a Triburg, by Law 14 of
1065; therfore at that time for a Man
Kitchen for the dressing his own Meat mig
esteem'd the Mark of a Thane. Yet let th
judge whether we ought not to read Kynicen
that is, a *Church-Steeple*, (to distinguish it f
mon Bell-Tower) instead of *Kitchen*,
Bede l. 4. c. 23. mentions a Nun hearing a no
known sound of the Bell, which us'd to be t
passing of a Soul. This was 250 Years before
of *Ethelstan.* Bells therfore are very ancie
land.

[d] This Oath was either for the proof of hi
sion, that he had authority from the King
such and such business; or else it was the Oat
he impeach'd Persons suspected.

[e] I suppose the King himself.

[f] Therfore the Impeachment was for som
Crime: not fewer than three common Men
peach another.

from that time forward. And if a Trader so improve as that he pass'd thrice over the e Sea, by his own Skill, then he from that e forward was thought to deserve the Rights of thane. And if a Scholar made such proficiency earning, as that he obtained Orders, and mi-ted to Christ, he was thought worthy of that nity and Protection that belonged thereto, un-he incurred a forfeiture of his Function, and ght not exercise it. If it happen'd that one in ders, or a Stranger, was in any respect injur'd, Word or Deed, then it concern'd the King, and Bishop, that Satisfaction should be made with possible speed.

Here we have also transcribed, by Sir H. S. *from the* Codex Regius *in* Latin, *the Rules for making Satisfaction for murdering, or laying violent hands on a Clerk, which I translated from the* Saxon, *and inserted at the Year* 725. *And here I thought fit to insert the* 12th *Canon of a Synod held at* London, *toward the end of* Ethelstan's *Reign, and which I therfore date,*

A. D. DCCCCXL.

[a] We have charged all that are admitted into ir Gildship by Pledges given, that if one happen die, every Brother of the Gild give a Loaf, and leat sufficient to be eaten with it, for his Soul; id sing, or cause to be sung, fifty Psalms within irty Nights. *Sir* H. S. p. 407.

[a] By this it appears, that the Bishops were now entred into such a Fraternity as that I have described in my otes on the last Clause of the *Rules for Satisfaction*, the Year 725.

ODO's Canons.

A. D. DCCCCXLIII,

Or soon after, Odo, *Archbishop of* Canterbury: *the following Constitutions.*

PREFACE.

Lat. Sir H. S.'s Vol. 1. p. 415.

IN the Name of the Holy Trinity, and th Deity. Tho' it be a bold Presumption to Documents of pious Exhortation, without h any Merits of my own; yet because a Spi Prize is promis'd to them that strive, and Pains in the Race of this Life, by the Auth Gifts, the Spirit; therfore I *Odo*, the lowly, meanest that is promoted to the Honour of a and of being a chief Prelate, have resolved to together in this Paper some Institutions no worthy of any Worshiper of Christ, which I to be of greatest Authority, from the forme junctions of Illustrious Men, to the Consolati my Lord the King, that is *Eadmund*, and the People subject to his most excellent Em Therfore I most devoutly beseech, and with mency exhort the Minds of the Hearers, that inwardly graft them in their Hearts by fre Meditation, whenever they hear them rehea and by this means, at the time of Harvest, g for themselves *the most peaceable Fruit*, by the nisfold exercise of Good Works.

a I read, *coadunare*, not *quo adunare*.

1. We charge and command, That the Holy Church of God, which is founded first in the Blood of Christ, and made a fair Spouse by the multitude of Believers, be not invaded by the violence of wicked Men: And let it be allowed to none to lay Taxes upon the Church of God; because the Sons of the Church, that is, the Sons of God, are free from all Earthly Tribute in every Kingdom: *Ambrose* says, *the Catholic Church is free from Royal Taxes.* [b] If any Houses, Lands, or Farms have been taken away from Christians, or been Confiscated, or granted away, we charge, that they be all reassumed by the Christians, as their ancient Right: for *Gregory* says, *If any one rob the Church of Christ let him be Anathema, if he don't make amends.* And again. *Whoever attempts to violate or usurp the Parishes of the Church of God, by rapine, let him be excommunicated by the Ministers of the Church, and become wholly an alien from the Body of Christ:* For they who disdeign to obey the Rules of the Church's Discipline, are more [c] bold than the Soldiers who crucified Christ: for the Church hath Power of Binding and Loosing.

[b] Here is added in Sir *H. S.*'s Copy, *In Historiâ Ecclesiæ.* What the meaning is I know not: probably *Odo* had seen these words cited in some Book called *Historiâ Ecclesiæ.*

[c] My Reader will justly believe this to be a very bold Stroke from the *Lowly* Odo.

2. We admonish the King, Princes, and all that are in Autority, that they with great Humility be obedient to their Archbishops, and all other Bishops, because the Keys of the Kingdom of Heaven are given to them, and they have Power of Binding and Loosing. Nor let them value themselves on account of their Secular Power: *for God resisteth the proud,* &c. And let the King have wise

wise Counsellors, [and] such as fear God, in the Affairs of his Government; that the People being instructed by the Example of King and Princes, may make improvement to the Praise and Glory of God. [He ought] to oppress none unjustly by his Power, to judge between Man and Man, without respect of Persons; to be a Protector to the Stranger, Fatherless and Widow; to prohibit Theft, to punish Adultery, not to prefer Wicked Men, to cherish the Poor with Alms; for tho' it is necessary that every Man keep the Commands of Christ; yet it is more especially so for Kings, and all that are in High Places, who are, at the Day of strict Inquest, to give an account to the Just Judge, both of themselves, and of the People subject to them.

3. Bishops are to be admonish'd, That they do with all Honesty and Modesty, according to the godliness of our Holy Religion, preach and shew a good Example to all: That they go about their Parishes every Year, vigilantly preaching the Word of God; lest any one, thro' the neglect of the Shepherd, wandring in the by-ways of Ignorance, be exposed to the Teeth of the worrying Wolves. Let none study to feed the Flock committed to him, for filthy Lucre's sake, but in hope of an Eternal Recompence; for we should not delay freely to give what we have freely received, *viz.* to preach the Word of Truth to the King, to the Princes of his People, to all Dignities, without Fear or Flattery, with all boldness; and never to decline the Truth, to condemn none unjustly, to excommunicate none without Cause, to shew to all the way of Salvation.

4. We admonish Priests, That they teach their People by their good Example, in the Holy Habit, and instruct and inform them by their Holy Doctrin; that their Conversation excel the Manners of the People in all Goodness and Modesty; that they

they who see him walking apparel'd according to the Dignity of the Priesthood, may with good reason speak commendably of his [a] Habit.

[a] *Habit* is a Word that has a complicated Signification: I mean, it denotes not only the singular Garb of a Clergyman, but also his Order or Profession. It shou'd seem ther was a particular Habit for Priests in common Life at this time; tho' afterwards it grew into disuse, as we shall see.

5. Clergymen are to be admonish'd, That they live Canonically, with all Honesty and Reverence, according to the Decrees of the Holy Fathers, giving a good Example, that so the Bishop may gain Credit by their good Conversation, the Church may be honoured, the People may be improved, to the Praise of God; and that they, according to the Dignity of their Title, may be made worthy to come into God's *Heritage.*

6. We exhort Monks, and all devoted to God, That in Humility and Obedience, Day and Night, they study to perform their Vows, continuing in the Churches where they first took their Vows, in the fear of God: let them not be Strollers and Saunterers, who desire the Name, but despise the Duty of a Monk. Let them, according to the Example of the Apostles, inure themselves to the habit of Humility, handy Labour, holy Reading, and continual Prayer, being ready, *with their Loins girt about, and their Candles burning, expecting the Good man of the House*, that he may come and give them Eternal Rest.

7. We absolutely forbid Christians all unrighteous, incestuous Marriages with Nuns, or near Kindred, and with all unlawful Persons, for Pope *Gregory* of Holy Memory, with many Bishops, and other Priests in the [b] Royal House of Blessed *Peter*

[b] *Basilica*, Church.

the Apostle, ordained, [c] *If any one marry a Nun, let him be Anathema: and they answered, Amen.* We following the same Apostolical Authority do likewise cast the dart of Malediction against such, unless upon reproof, they betake themselves to Satisfaction for such nefandous Presumption.

[c] Viz. *Gregory* II. *A. D.* 721.

8. That when we meet in any Convention, we consider what the Psalmist says, by way of Admonition, *The Lord beholdeth the Children of Men*, &c. And again, *The Lord bringeth to nought the Counsels of Nations*; and so on to *his own Inheritance*: Therfore we ought to look to it, Brethren, that ther be Concord and Unanimity between Bishops and Princes, and all Christian People: That ther be every where Unity and Peace to the Churches of God; nay, that the Church be one in Faith, Hope, and Charity, having one Head, which is Christ; whose Members ought to help, and mutually love each other, as He himself says, *In this shall all men know*, &c.

9. We admonish, That Fasting, with Alms, be very carefully observed; for these are the [d] three Wings which carry Saints to Heaven: Wherfore endeavour to keep the Fast of *Lent*, of the four Seasons, and other lawful Fasts, as of the [e] fourth, and

[d] Either *Prayer* was first joined with Fasting and Alms, but afterwards dropt by the carelesness of the Transcribers; or else it shou'd be *duæ*, instead of *tres*.

[e] It is evident from this, that the old *English* symbolized with the *Easterns*, not with the *Romanists*, in observing their weekly Fasts: and even *Gratian*, long after this, countenances the *Wednesday* and *Friday* Fast, *De Consec. Dist.* 3. *c.* 16. yet it is certain that *Innocent*'s Decree for the Sabbath, or *Saturday* Fast, whether genuine or not, was long before this received by the Church of *Rome*; and *Gratian* himself there cites it. And *see Lebright's Dialogue in fine.* 734.

and sixth Day of the Week, with great Vigilance; And above all, the Lord's Day, and the Festivals of Saints, ye are to take care, that ye observe with all caution, [by ceasing] from all Secular Work. Consent to no vain Superstitions; nor Worship the Creature more than the Creator, with Magical Illusions: for they who do such things shall not inherit the Kingdom of God.

10. And we faithfully intreat you, as to the paying of Tythes, as it is written in the Law, *The Tenth Part of all thine Increase, and thy First-fruits, carry into the House of the Lord thy God.* And again, by the Prophet he says, *Bring your Tythes into my Store-house,* &c. *Mal.* iii. 10. Therfore with an Obtestation we charge you, That ye take care to pay Tithe of all that ye possess: Because this doth peculiarly belong to God: And Men shou'd live, and give Alms out of the nine Parts. Let us do the Truth, and remain in Charity in Him who is God blessed for ever. *Amen.*

Archbishop Odo's *Synodical Epistle, transcribed by Sir* H. S. *from* Malmsb. de Gestis Pontific. *L.* 1.

By the Help of the Almighty, who presides over the Poles, I *Odo*, Archbishop of the Church of our Saviour the Lord Jesus Christ, Metropolitan of the City of *Canterbury*, to our Fellow-Bishops, Compaginators of the Catholic Faith, with spiritual Charity mixt with rigor. [I wish] my Brethren Prosperity in things present, and Heavenly Beatitude. If it cou'd be, that the Riches of all the World now laid in our view, so as to be wholly subject to our Imperial Command, I wou'd willingly give them all away, and moreover spend my self for the Salvation of your Souls; because I desire and hope to be corroborated by the Zeal of your

Holiness, in the business wherein the Lord God hath appointed us to be Fellow-Labourers.

[He subjoins, says *Malmsbury*, many things, concerning the burden of the Pontificate.]

Therfore I humbly pray and exhort your Holiness as one unworthy, yet much in earnest, that you don't behave yourselves with Lukewarmness and Negligence in the Regimen of Souls; lest at the time of the Tremendous Vintage the Lord complain of you, saying, *Ezek.* xxxiv. 8. and again, *They became Princes and I knew it not*, [f] Hos. viii. 4. But rather let us take care to give Meat, a Portion of Wheat, that is approved Doctrine in due Season to the Family of God, over which he hath appointed us Rectors: and tho' by Dint of Merit I presume not to comfort, or exhort any Man, as being of myself unworthy, and guilty of innumerable Faults, I am pleased with, and want to be corroborated with your brotherly Admonitions; yet on account of the ancient Authority of my Predecessors, *viz.* *Augustin* of Blessed Memory, and other Holy Men, by whose Endeavours the Rule of Christianity first appeared from This Archiepiscopal See to the remotest Parts of the *English* [People] on this account I resolved to draw up these Godly Rules, to the Profit of you all; that so our most August King [g] *Edmund*, excellent by Name, with all his People, may gladly follow what they hear in us, and from us, and that all Nations every where subject to his Royal Empire, may love and delight to imitate with Triumph the Glories of our unblemish'd Conversation.

[f] According to the Vulg. Lat.

[g] Eaɫ-munɫ signifies *Prosperity* and *Protection*. The Name is written *Ætmund* in the Preface of this Council: If this be not a Pseudography, 'tis possible that it may be derived from Æaht and munɫ, then it denotes *a Protector of every thing that is valuable.*

But

But ther is little regard to be had to the Writings of this Age in the *Latin* Tongue, as to any thing that is critical or curious. *Ælfric*'s Complaint is very sad, *viz.* That ther was not a Priest in *England* that could write, or construe a *Latin* Letter, till *Dunstan* and *Ethelwold* taught some Monks to do it. *Odo* was next but one Archbishop before *Dunstan*; and tho' he was more than a Priest, and did actually write this, and other Letters in *Latin*, and drew up all the foregoing Canons, or Decrees; yet it is but too plain, that *Ælfric*'s Censure did fall in some measure upon *Odo* himself. He was commonly called *Odo the Good*; and if he did indeed deserve that Epithet, this was a sufficient Counterpoize to his other Defects. The most notable Fact related of him, by the Writer of his Life is, That he caused one of King *Edwy*'s Ladies of Pleasure to be branded in the Face with a hot Iron, and banish'd her into *Ireland*; and afterwards hearing that she was returned from Banishment, and landed at *Gloucester*, he sent his Men thither to apprehend her, who Houghed her, or cut her Hamstrings, of which she died. *Odo* hated Vice, but he was a *Dane* by Birth; and was probably never well cured of his natural Barbarity.

And this was singular in *Odo*, that he was nominated to the See of *Canterbury* before he had been a Monk; and he pleaded this in excuse for his refusing the Primacy, that none but *Benedictine* Monks had ever sate in that Chair. But when great Importunity was used with him to accept the offer, he thus reconciled the Matter, *viz.* he declared he had long been a Monk in his own Mind, and now he was resolved to send for a famous Abbot out of *France* to invest him with a Monk's Coul, tho' he had for a considerable time before been Bishop of *Shirburn*; and being thus qualified, by having the Monks Habit put on him by a *French* Hand, he accepts the Archbishoprick.

A. D. DCCCCXLIIII *or thereabouts*

King EADMUND's Laws Ecclesiastical.

ax. ir H. S. ol. 1. p. 19.

E*Admund* the King assembled a great Synod at *London*, on the Holy Feast of *Easter*, both of Ecclesiastical and Secular Persons. There were *Odo* and *Wulfstan*, Archbishops, and many other Bishops, consulting for the good of their own Souls, and of those who were subject to them.

1. The principal Point is, That Ecclesiastical Persons shall instruct God's People by an exemplary Life; and that they, whether they be Men or [a] Women, preserve the Chastity of their own Order. If they do not, let them [be thought to] deserve what the Canon pronounces against them, *viz.* That they suffer the loss of their worldly Possessions, and of lying in a Consecrated Burying Place, unless they make Satisfaction.

[a] *viz.* Nuns.

2. We enjoin all Christian Men the paying of Tithes, by virtue of their Christian Profession, as also their Church-Scot and [b] Alms-fee. Let them who will not do it be excommunicated.

[b] That is most probably Plough-Alms, mention'd in the sixth Law of King *Alfred* and *Godrun*; and is said to be an Offering made to the Church in proportion to the number of Plough-Lands which every Man had.

3. If

3. If one that is a King's [c] Man shed the Blood of a Christian, let him not come into the King's Presence, till he have betaken himself to Penance, according as the Bishop teaches, and the Confessor directs.

[c] That is, Tenant or Servant to the King.

4. Let him that defiles a Nun be [thought] unworthy of a Consecrated Burying-Place, unless he make the Satisfaction of a Manslayer. And we declare the same of Adultery.

5. And we pronounce, That every Bishop repair God's House in his own [See], and remind the King that all God's Churches be well provided; for which we have great occasion.

6. Let them that are guilty of Perjury, or of [d] Magical Medicines, be cast out from every Portion of God, unless they convert themselves to a just Satisfaction.

[d] See DCCCCXXV. third Law of King *Ethelstan*, and the Note there.

A. D. DCCCCXLV.

King Eadmund *held another Council of Clergy and Laity, for the advancement of Christian Religion, the continuance of Concord, and the extinguishing of Feuds of his Subjects among themselves, as he expresses it. For the attainment of this last end, he forbids the Relations of the Murderer to support him, till they have first paid the Satisfaction due for the Murder. Those of the five Laws that were now made, which did more nearly concern the Church, do here follow.*

1. If any Man betake himself to the Church, or 2.
to my Place of Residence, and a Man pursue him

thither, then he is an Enemy to the King, and to all his Friends, and let him forfeit all that he hath.

3. 2. My Will is, That no Mulct for Fighting, nor Satisfaction for Murder be forgiven.

4. 3. And I declare my Will to be, That no one who has shed Mens Blood have Protection in my Family, till he have undertaken to make Satisfaction to God, and the Kindred [of the slain Person] and submit to every Right, as the Bishop of the Shire directs.

A. D. DCCCCXLVI.

Ancient Forms of Espousals.

To these are immediately subjoin'd, the Manner of Espousals, and of Lay-mens Betrothing.

Sax. Sir H. S. Vol. 1. p. 425.

1. If a Man will marry a Maid or [a]Woman, and she and her Friends so please, [b] then it is fit that the Bridegroom, according to God's Law, and to common [c] Decency, do first Covenant and Promise with him that acts for her, That he desires to have her on condition to retain her according to the Divine Right, as a Man ought to retain his Wife: And let his Friend give caution for That.

2. Then let it be known, who is bound to maintain [them], and let the Bridegroom promise this, and afterward his Friend.

[a] Be Firemonner beredbunge is the Title in the *Text Roff.* says Mr. *Somner*, from whom I have the other Corrections from the *T. R.*

[b] Þonne not ton.

[c] ȝeþyrnum, not ȝeþ— *T. R.*

3. Let

3. Let the Bridegroom declare with what he endows her, on Condition that she chuse [to comply to] his Will.

4. And with what he endows her, [d] if she outlive him. If it be so agreed, [e] it is just that she [f] have right to half his Estate, and all, if ther be a Child between them, unless she marry another Husband.

[d] The *Saxon* Copy puts these foregoing words of the fourth Clause to the end of the third; but the *Latin* here sets us right. By this it appears, that ther was a double Endowment, one given in hand before the Marriage, the other promised, in case the Woman survived.

[e] I put the Comma after bip.

[f] healper oppep-pýnþe. *T. R.*

5. Let him finish all with a Pledge of his Promise, and let his Friend be Surety for it.

6. If they are agreed as to all the Particulars, then let the Kindred take their Kinswoman, and wed her to him that woo'd her, for a Wife, and an honest Life: And let him that was principal in making the Match take Surety to this purpose.

7. If they will carry [her] out of [her] Land, into the Land of another Thane, then her [g] expedient is, that [the Bridegroom's] Friends give Security that no hurt be done to her; and that, if she incur any Forfeiture, they are capable to perform the part of Kindred in making Satisfaction; [h] if she hath not wherewithal to do it herself.

[g] For þæð read þæb, so the *Latin Consilium.* And this seems to be Mr. *S*'s Opinion.

[h] By this it shou'd seem that the Wife had the Property of her own Estate during Coverture.

8. The Mass-Priest shall be at the Marriage, who shall, according to Right, celebrate their coming together, with God's Blessing, with all Solemnity.

9. It

9. It is good to take care that it be know that they be not [i] afar off related; lest they be gain separated, who were at first wrongfully p together.

[i] gelænge *T. R.* not gleæn ——

Laws of the *Northumbrian* Priests.

PREFACE.

A. D. DCCCCL,

OR *thereabouts I conceive these following Laws were made. Whoever attentively reads them must be sensible, that they were enacted by a Temporal, as well as Ecclesiastical Authority. The Reason why the Name of the King, in whose Reign they were made is not prefixt to them is, that he was probably a Dane; therfore the Transcribers in the following Ages of King* Edgar, *and his Successors thought fit to leave out the Preface, lest the Name of the King should seem a Blemish to the Laws themselves.* Anlaf *was sole Monarch of the* Northumbrians *from the Year* 949 *to* 952; *and during this Interval of Time I conceive these Laws were made. For,*

1. *It is not probable, that a Body of Laws with civil Penalties would have been made for the* Northumbrians *only, if their Country had not been a Distinct Kingdom at the Time of making them.* Edgar, *and his Successors made Laws for all* England, *not for particular Provinces.*

2. *This*

2. *This Body of Laws seems to have been compiled, under a* Danish *King, because they so often inflict the known* Danish *Penalty call'd* Lahslihr, *which I always turn a* Fine: *and the Ore so often mention'd was* Danish *Money.*

3. *I judge it utterly incredible, that they should have been made, while* Oswald *was Archbishop of* York, *as Sir* H. S. *supposes: for then every Page of them would have breathed Threatnings, and Damnation against the married Clergy; whereas these Laws seem rather to countenance the Marriage of the Clergy by saying nothing against it, when the Practice was so rife. And yet it is certain, they had the Marriage of the Clergy under Consideration, from the* 35th *Law.* Wulfstan *was Archbishop of* York, *while* Anlaf *reigned: and it is very probable, that he might join with King* Anlaf *in making these Laws; for he was a Favourer of the* Danes, *at least was severely treated on Suspicion of it by King* Edred *after he had reduced* Northumberland. (*I mean not* Wulfstan *called* the Reprobate, *but him that was before* Oskytel.)

The last of these Laws does indeed contain a Declaration for one Monarchy over the whole Nation, *but I am apt to think, they meant the Nation of the* Northumbrians *only, which was govern'd by two Kings* Anlaf *and* Regenold, *but five or six Years before. See Sax. Chron.*

These Laws stand before those of Edgar *in the* MS. *of* CCCC S 18, *tho' Sir* H. S. *have placed them after.*

A. D. DCCCCL.

1. IF any Wrong be offered to a Priest, let all his [a] Mates, with the help of the Bishop, be very zealous for Satisfaction: Let them be, as it *Sax.*

[a] The practice of entring into Gilds, or Fraternities, has already been mentioned: Those who thus combined together are here call'd ȝeferan, which I turn *Mates.*

it were, *one Heart and one Soul*, as it is written, in every thing that is right.

2. And we forbid, what God has forbidden, that any Priest serve, or take the Church that belongs to another; except any one, by some Capital Crime, have made himself uncapable of ministring at the Altar for the future. If any Priest do it in any other case, let him forfeit his Dignity, and the Friendship of his Mates; and let him no where celebrate Mass, till the Rightful Possessor has it. And let him that did the Wrong pay twenty [b] Ore to the Bishop, twelve Ore to the Priest whom he removed from his Church, twelve Ore to all his Mates: And let him also forfeit the Money, if he unrighteously gave any, for the other Priest's Church. [c] And let every Priest find twelve Bondsmen, for rightly observing the Priest's Law.

[b] The Ore is generally said to be an Ounce of Silver: But then sometimes ther are said to be but twelve in a Pound, and then the Ore consisted of twenty Pence; at other times ther are said to be fifteen Ore in a Pound, then the Ore was sixteen Pence.

[c] Thus our Northern Politicians were reducing the Church into the same form of Government with the State.

3. And if one Priest commit a Crime, and he celebrate Mass contrary to the Bishop's Injunction, let him pay twenty Ore for [breaking] the Injunction, and pay Satisfaction for the Crime, whatever it was, over and above.

4. If a Priest transgress any publick Edict of the Bishop, let him pay twenty Ore.

5. If a Priest [d] lay a Cause before Laymen, which he shou'd [lay] before Ecclesiasticks, let him pay twelve Ore.

[d] See Can. 7. of King *Edgar*, *A. D.* 960. and particularly observe the use of the word Sceot and Sceotan in

in both places. The Temporal and Ecclesiastical Judicatures were distinct in *Northumberland*. See *Ecgbriht's* Dialogue Answ. 10. *Somner* countenances this.

6. If a Priest transgress the Archdeacon's Edict, let him pay twelve Ore.

7. If a Priest be guilty, and celebrate Mass contrary to the Archdeacon's Injunctions, let him pay twelve Ore.

8. If a Priest refuse [to administer] Baptism, or Shrift, let him make Satisfaction with twelve Ore; and especially let him diligently compound it with God.

9. If a Priest do not fetch the [e] Chrism at the proper Season, let him pay twelve Ore.

[e] The Unction consecrated by the Bishop in Passion-Week; for the use of Baptism, and of the Sick.

10. Let every Child be baptized in good time, within nine Nights, under the Penalty of six Ore: And if the Child die an Heathen, within nine Nights, let Satisfaction be made in respect to God, without any worldly Mulct, if it happen [to die] after nine Nights, let Satisfaction be made in respect to God, and let twelve Ore be paid for [f] the Contumacy, because he was a Heathen so long.

[f] No word seems capable of more Significations; all which agree well enough to this place. heopo may signify the Pastor as well as the People; it may be taken as hopo, then it signifies the Stock, or Treasure of the Church: It may be meant as heapo, and then it assigns the cause of the Penalty, *viz.* the *Obstinacy* of the Offender. Mr. *Somner* inclines to this last, whom I follow. Sir *H. S.* understands as if it signified the Herd, Flock, or People of the Parish.

11. If the Priest misinform the People, in relation to a Festival, or Fasting-day, let him make Satisfaction to God, and pay twelve Ore.

12. If

12. If a Priest unrighteously obtain Orders of his Shire, let him pay twelve Ore, and a Deacon six: And let them forfeit their Orders, unless the Bishop of the Shire indulge them, as to the last Point.

13. If a Priest celebrate Mass in an unhallow'd House, let him pay twelve Ore.

14. If a Priest celebrate Mass without an hallow'd Altar, let him pay twelve Ore.

15. If a Priest consecrate the Housel in a wooden Chalice [let him pay] twelve Ore.

16. If a Priest celebrate Mass without Wine, let him pay twelve Ore.

17. If the Priest be careless of the [g] Housel, let him pay twelve Ore.

[g] This must be understood of the Sacrament reserved for Sick Folk.

18. If a Priest celebrate Mass more than thrice a day, let him pay twelve Ore.

19. If a Man violate the Protection of the Church, let him make Satisfaction according to the [h] quality of the Church, and the Privilege of Protection which belongs to it.

[h] *Qualitatem. Somn.*

20. If Merchandize be made of a Church, let Satisfaction be made by Fine.

21. If a Church be brought into [i] Servitude, let Satisfaction be made by Fine.

[i] That is, if it have Pensions, or Secular Services imposed on it, such as great Lords laid on those who held Lands of them.

22. If a Priest be unrighteously turned out of a Church, let Satisfaction be made by Fine.

23. If one wound a Priest, let him satisfy for the [k] Cure, and pay for a Satisfaction to the Altar, on

[k] *Ynbla* is so turn'd by Sir *H. S.* conjecturally.

on account of his Orders, twelve Ore: For a Deacon, twelve Ore, as a Satisfaction to the Altar.

24. If a Man slay a Priest, let him pay the full Were, and [l] twenty four Ores to the Bishop, as a Satisfaction to the Altar: For a Deacon twelve Ore, as a Satisfaction to the Altar.

[l] Twenty four Ore, according to the common Computation, was but so many Ounces, which makes but two Pounds. In *Ecgbriht*'s Time, the murder of a Priest was more than three times as much, yet that was 200 Years before this. *See Ecgbr. Dial.* 734. *Answ.* 12. Shall we say that the value of Money was raised in the North since that time, by reason of its scarcity, thro' the violent Inroads of the *Danes*. *See Can.* 18, 19. 964. Or shall we say, That the former Penalty was laid by an Ecclesiastical Authority, this by a Secular? Or that the Nation being more civiliz'd, Murthers were not so rife as of old, and that therfore such severe Penalties were not necessary?

25. If a Priest do any Dishonour to the Church, [m] from which all his Honour shou'd arise, let him make Satisfaction for it.

[m] *De quâ omnis honor ejus processerit.* Somner.

26. If a Priest lodge any unseemly thing in a Church, let him make Satisfaction.

27. If a Priest alienate any thing from the Church, let him make Satisfaction.

28. If a Priest wilfully relinquish the Church, to which he was ordained, let him make Satisfaction.

29. If one Priest despise or [a] vilify another, either in Word or Deed, let him make Satisfaction.

[a] bermipige. *Somn.*

30. If one Priest assault another, let him make Satisfaction to him, and to the Bishop.

31. If one Priest assist another in an unrighteous [Cause] let him make Satisfaction.

32. If

32. If one Priest refuse assistance to another in an righteous Cause, let him make Satisfaction.

33. If one Priest do not warn another of what he knows will be to his damage, let him make Satisfaction.

34. If a Priest neglect the shaving of his Beard, or Hair, let him make Satisfaction.

35. If a Priest dismiss one [b] Wife and take another, let him be Anathema.

[b] cpena had certainly an honest signification among our *Saxon* Forefathers. It denoted the Wife of a Great Man, or even of a King, as well as of an Inferior Man. þon-cpæna was the word, whereby they denoted a Whore. From hence I am inclined to think, that the *Northumbrian* Priests were allow'd Wives, when this Law was made. Had *Oswald* been then Archbishop, the Priests had been absolutely forbid Wives, under the hardest Penalties. Therfore these Laws seem to have been made, while *Oskytel*, or *Wulfstan* were in the See. *Uxorem Somn.*

36. If a Priest do not timely ring, and sing the Hours, let them make Satisfaction.

37. If a Priest come arm'd into the Church, let him make Satisfaction.

38. If a Priest do not [c] observe the yearly Order in the Church-Services, by Day, or by Night, let him make Satisfaction.

[c] *Ordine non servato absolverit.*

39. If a Priest do not regularly minister Ordeals let him make Satisfaction.

40. If a Priest conceal his [d] Tonsure in his Travels, let him make Satisfaction.

[d] That is the shaved Circle on the Crown of his Head. I read það as the Text stands, not þþað, as Sir *H. S.* in Margin.

41. If

41. If a Priest indulge Drunkenness, or be a Musician, or [c] a common Rhymer, let him make Satisfaction.

[c] See Can. of King *Edgar* 58. ȝcop is the ordinary word for a Poet or Versifier. Ȝal an usual initiatory Particle. *Somn. Cerevisiarius.*

42. If a Priest conceal one among many in his District, to the injury of Discipline, let him make Satisfaction.

43. If a Priest omit to give notice of any annual [f] Right, let him make Satisfaction.

[f] That is, Peter-Pence, Church-Scot, Plough-Alms, Tithes, *&c.*

44. If a Priest decline the Synod, let him make Satisfaction.

45. If a Priest have not submitted to Right, but withstand the Sentence of the Bishop, let him make Satisfaction for it: let him either be separated from Clerical Communion; or forfeit [the benefit of] his [f] Fraternity, and all his Dignity, unless he submit, and make deep Satisfaction.

[f] This must, I conceive, be understood of those voluntary Gilds, or Fraternities into which Clergymen and Laymen of all Ranks, entred, for their mutual assistance and benefit; and into which the *Northumbrian* Clergy are supposed to be combined in the two first of these Laws.

46. If any one [g] be in contempt of the Law of God, or of the Country, let him make earnest Satisfaction.

[g] *Perverterit aut violaverit, Somn.* This Law is repeated again *No.* 55.

47. We should all honour and love One God, and diligently observe One Christianity, and wholly

abandon all Heathenism. If any Man be discov[illegible] to practise any Heathenism for the future, eit[illegible] by Lots, or [i] Firebrands, or affect Idolatry on [illegible] Account of Witchcraft: If he be a King's Th[illegible] let him pay nine Marks and an half, half to Chr[illegible] half to the King: If he be a Landed Man of [illegible] other sort, let him pay five Marks and an h[illegible] half to Christ, half to the Landlord. If he be [illegible] [k] common Man, let him pay twelve Ore. If the King's Thane deny it, let twelve be named to him, let him take twelve of his Kindred, and a [l] complement of twelve [m] of any sort, and if he be cast, let him pay a Fine of nine Marks and an half. If the Landed-Man deny it, let as large a complement of his Equals be named to him, as to the King's Thane: if he be cast, let him pay a Fine of nine Mark and [a] an half. If the common Man deny it, let as large a complement of his Equals be named to him, as to the other: if he be cast, let him pay a Fine of twelve Ore.

[i] So Sir *H. S.* by conjecture turns ꝼynhte.

[k] *Sax.* ꝼæþbena. *Somn.* seems to think it the same with ꝼniþ-bena, for he refers to 1009. 25.

[l] Ꝼence, or Ꝼent, being thrice repeated in this Law and always, so far as appears, in the same sense, I conceive ther can be no wide mistake in the meaning of it.

[m] None of our great *Saxon* Masters have, so far as I can find, given their Opinion of the word Ꝼallen here used: I venture to read Ꝼalhꝼæn *Vulgo, Passim, Undecunque*, till some better Light be offer'd to this dark Word.

[a] Mr. *Somner* has here corrected Sir *H. S.* in relation to the denomination of the Sums.

48. If ther be a [b] Frith-Year in any ones Land, about

[b] This was some Heathen Feast, or Jubilee, as Mr *Somner* calls it, the Memory of which appears not elsewhere.

about a Stone, or a Tree, or any Trifle of this sort, then let him that made it pay a Fine, half to Christ, half to the Landlord: And if the Landlord will not assist in executing the Law, then let Christ and the King have the Satisfaction.

49. We forbid all Traffick in any Place, and County-Courts, and all manner of Work, and all Carriage either by Waggon, or Horse, or [b] Porters on the *Sunday*: Let him that do's any of these pay a Mulct, the Freeman twelve Ore, the Slave his Hide; except the Wayfaring Man, who must of necessity go their appointed Stage. And upon occasion of War a Man may travel on the Eve of the Feast, in case of necessity, between *York* and six Miles distance.

[b] The *Saxon* byrþen signifies not as the *English*, *Burden*, but as the Servant, or hired Man that carries it. See *Hick. Sax. Gram. p.* 152.

50. Let him that violates a Feast, or appointed Fast, pay a Mulct of twelve Ore.

51. And we will have every *Rome-Peny* paid by *Peter's-Mass*, at the Bishop's See; and that two trusty Thanes, and one Mass-Priest, be named in every Wapentake to collect, and pay it again in such a manner as that they may dare to give their Oath to it. If a King's Thane, or any Landlord, withhold it, let him pay nine Mark and an half, half to Christ, half to the King. If any [c] Tenant shift it off, or with-hold it, let the Landlord pay the Peny, and take an Ox from him: And if the Landlord neglect this, let Christ and the King take twelve Ore for full satisfaction. If any withhold his Tithes, and he be a King's Thane, let

 him

[c] Tune, or Ton, often signifies what we now call a Farm, or parcel of Land, therfore I turn Tuney-man, Tenant.

him pay nine Marks and an half; if a Landed Man five Marks and an half; if a common Man twelve Ore.

52. And we forbid, by a Divine Prohibition, that a Man have more Wives than one; and let her be rightly wedded and given [by her Parents] and that no Man take a Wife that is related to him, within [d] the fourth Degree; nor let him marry any spiritual Relation: And if any one do it, let him want God's Mercy, except he desist, and make Satisfaction, as the Bishop directs: If he die in his unrighteous [Marriage] let him forfeit holy Sepulture, and God's Mercy.

[d] It is evident that Marriage, among the *Northumbrians*, was not laid under such Difficulties, as in other Places in this Age.

53. If a Man lie with a Nun, let each of them, both he and she, be liable to a Were: And if they die in their [Sin] without desisting, let them forfeit Holy Sepulture, and God's Mercy.

54. If any Man dismiss his lawful Wife [while she is] living, and marry another, let him want God's Mercy, unless he make Satisfaction for it; but let every one retain his lawful Wife so long as she lives, unless they both [a] chuse to be separated by the Bishop's Consent, and are willing to preserve their Chastity for the future.

[e] I read ȝeceoſ— not ȝet—

55. If any one for the future be in contempt of Right Law, let him diligently make Satisfaction for it.

56. We ought all to love and worship the One God, and zealously to observe the one Christianity, and wholly to abandon all Heathenism: And our Will

Will is, that [f] Land-cheap, and [g] Lah-cheap, and [h] Wit-word, and True-Testimony, and Right-Doom, and [i] Tulloc, and Trum-tale, and [k] Drink-lean, and Landlords rightful-gift be firmly maintain'd; and especially one Christianity, and one Monarchy in the Nation for ever.

f g h i k l These Terms are scarce elsewhere to be met with, and therfore no wonder if we know not their meaning. Mr. *Somner* has attempted an Explication of some of them in his *Glossary*, but not with such success as he had in some Points, which yet seem'd more difficult.

Let the Name of God be blessed from henceforth and for ever.

A. D. DCCCCLVII.

ELFRIC'S Canons.

PREFACE.

THer is no English Name before the Conquest, or for some Ages after, that has more Books, especially Translations ascribed to it, than that of Elfric. *It is generally agreed, that they are all the Work of one Man, surnamed* The Grammarian, *on account of his having written a Grammar for the* Latin *Tongue: And the same Man is commonly thought to be that* Elfric, *who was advanced to the See of* Canterbury *in the Year* 995, *and who died* 1005. *But Sir* H. S. *was rather inclined to think, that* Elfric, *who was Archbishop of* York, *from the Year* 1023 *to* 1053, *drew the following Canons, and that the* Wulfin, *to whom they are directed, was he that was Bishop of* Dorchester; *yet he doubts, whether the last had entered on his See before the other was dead. And farther, it cannot in reason be thought, that the* Elfric *who wrote the following Letter and Canons, was at the time of writing them, superior to that* Wulfin *for whose use they were drawn; but rather the contrary, as these words in the front do plainly imply,* viz. We have readily obeyed your Commands; *in Latin,* Obtemperavimus jussioni tuæ libenti animo. *I shou'd rather think, that the* Wulfin *who was made Bishop of* Shirburn 940, *or* 941, *and died so,* 958, *was he to whom* Elfric *writes: He was indeed only a Priest, and a private Monk, and not above* 32 *Years old (unless you will suppose him to have been above* 80 *at the time of his Death,* viz. *in the*

the Year 1005): but he was the prodigy of his Age, and sufficiently qualified to compose the following Canons, especially if we will allow him the assistance of his Master Ethelwold, Abbot of Abbindon, under whom he was now Studying. Nor are we to wonder, that he calls Wulfin the Bishop, Brother; for this latter had been Monk under Dunstan at Glastonbury, before he was Bishop, and the Relation of Monks was then esteem'd indelible, Alcuin, tho' but an Abbot, as Ælfric probably now was, calls Abp. Eanbald his dear Son, in a Letter written to him, and preserv'd in the MS. of CCCC, from which the Excerptions commonly ascribed to Ecgbriht were transcribed, and of which I have so often made mention in my Notes on them. When I suppose him to be thirty two Years old, I do it on presumption, that he drew these Canons in the Year 957, when Wulfin was probably too old to compose a Work of this nature; and therfore was forced to ask the assistance of Elfric; and we may fairly conclude, that he was under the Infirmities of Age, if we consider that he had been Bishop about seventeen Years, and did not outlive the Year 958. If these Canons were composed in the Year 957 we must own they were well timed: For they begin with a condemnation of the married Clergy, which was very seasonable, when Dunstan was now recall'd from Banishment by King Eadgar, who this Year, by the Death of Edwy, became sole Monarch of England. For it is well known, that these two Great Men imploy'd their Zeal chiefly against the Marriage of the Clergy, and in ejecting the Secular Canons out of the Monasteries, which they took possession of in the time of Abp. Ceolnoth. Elfric was a Man of the same Spirit, as he shewed not only by his Writings, but by his finishing the Reformation (if I may so call it) begun by Dunstan in the Church of Canterbury. It seems probable that King Edwy, who always countenanced the Seculars, and the married Clergy, had, while Siricius was Archbishop, reversed, in some measure at least, what had

been done by Dunstan *in this respect. But when* Elfric *was promoted to the See of* Canterbury *he gave the finishing Stroke by expelling the Seculars, and settling Monks in that Church.*

About thirty Years since a very Learned Man wrote a Discourse, De duobus Ælfricis, *in which he undertakes to prove, That* Elfric the Grammarian, *and great Writer, was he that was Archbishop of* York, *from the Year* 1023 *to the Year* 1053. *I find Learned Men not satisfied with his Arguments; and especially because his capital Argument is founded on a very gross Mistake, which he received by Tradition from other Learned Men, who had misread* Ælfric *for* Ælfred *in the Inscription of a Manuscript Copy of the* Chronicon Saxonicum *in* CCCC: *by which Mistake he makes the* Grammarian *but Eleven Years old in the Year* 963, *of which see Mr.* Wanley *in his Preface to his Catalogue. Yet ther is one thing in the Treatise,* De duobus Ælfricis, *which promises us some Light in this dark Point, I mean, the discovery of a* Wulfin *that was Bishop of* Shirburn *from the Year* 980 *to the Year* 998: *And it is to be observed, that* Elfric *was in the Year* 994 *Bishop of* Wilton; *and if these* Canons *were sent during the short time that he was Bishop there, he might justly stile himself* Wulfin's *Brother; or if they were sent on any Year between* 980 *and* 994, *the freedom which he uses with* Wulfin *may be better justified, and his Age did the better qualify him to perform such a Work. If indeed, as the Author of that Treatise would have it, these Canons were translated from* Latin *into* Saxonic, *when* Elfric *was sent by* Alphage *Bishop of* Winton *to regulate the new-built Monastry of* Cernell (*which he places in the Year* 987) *then they must not only have been formed, but translated before* Elfric *was Bishop of* Wilton. *But the Letter to* Wulfin *expresly says that these Canons were first drawn in* Saxonic, *which he there calls the* English *Tongue, when therfore* Elfric *in his Preface to his*

Book

Book of Sermons, to which these Canons are annexed says, that he translated this Book *at that Time, he must be understood of such Parts of the Book as were before in* Latin: *and perhaps these Canons were then no Part of that Book, but were afterwards added by Transcribers. Therfore the Decision of this Point at last turns upon the Credit of the Authors. The Evidences for the first Scheme are* Florentius Wigorniensis, & Matthæus Florilegus. *Mr.* Wharton's *Evidence is from* John Fleke *a Transcriber of* Sulcard, *a* Monk *of* Westminster; *these will scarce cast the Scales against the other two: The Author of the Treatise* De duobus Alfr. *says; ther are many Charters to which* Wulfin *Bishop of* Wilton *was Witness, and subscribed as such, between the Years* 980, *and* 998. *But Charters are suspected things, and as we cannot condemn them, so neither can we accept them for Evidence unsight, and unseen; therfore, in fine, I prefer the first Account (with Submission to better Judgments) and shall therfore date them* 957.

Tho' this Composition pass under the Title of Elfric's *Canons; and I have hitherto comply'd with that common Way of speaking; yet I must here take leave to intimate my Opinion, that it is rather to be called a* Charge *from the Bishop to the Clergy. I am sensible, the Diocesan Canons were little else than the Injunctions of Bishops to the Clergy of their Dioceses; but then these Injunctions were formally read by some Clerk, and agreed to by the Applause, or at least by the Silence of the Priests. But the whole of what is contain'd in the following Articles is exprest by Way of positive Command by the Bishop without any mention of a Synod's Consent: and it would probably have been impossible for any Bishop to have procured even the tacit Consent of his Clergy to what is here said against their Marriage: and indeed Synods, and Chapters of all Sorts were very rare by Reason of the* Danes *perpetual Invasions in this Age; and I am therfore persuaded,*

that

that this Charge was to be deliver'd to the Clergy at their fetching the Chrism, and Holy Oils *from the Bishop in* Passion-week. *It is evident, that the Assumpt which I have added from the* M. S. *in* CCCC *was intended purely for this Occasion; and I see no Cause to question, but that That was designed as a piece of the foregoing Charge. In truth, the Letter of* Elfric *to* Wulfin *intimates as much.* We write (*says* Elfric) the following Part of the Epistle in English, and in such a Manner, as if you yourself dictated it with your own Mouth: *Therfore the whole seems to have been an Epistle sent to every Priest together with the Chrism. It may justly be supposed that the Generality of the Priests, especially they who lived remote from the Cathedral, could not come personally to fetch it, but sent some Clerk to bring it; and the Letter was deliver'd to the Messenger, together with the Cruises of Chrism and Oils: they who lived near to the Bishop's Church might come in a Body and receive the Charge from the Bishop's Mouth; the rest could not be spared from their Churches at that solemn Season.*

As Elfric's *Homilies were publickly read in Churches, so it seems probable, that his Charge was a common Form for all Bishops that had it by them, with some little Variations, as the occasion required, which shews the reason of the difference of Copies. It was first composed for the Bishop of one Diocese; but it seems to have been a National Form; I mean, used by Bishops of both Provinces.*

A. D. DCCCCLVII.

Lat. ELfric, an humble Brother to the venerable Bishop *Wulfins*, Health in the Lord. We have readily obey'd your Command; but have not presumed to write any thing concerning the Episcopal Office; because it is your Part to know how to be an Example to all, by an excellent Behaviour, and by

by your continual Admonitions to perſwade your Subjects to be ſaved: Which things I ſpeak in *Chriſt Jeſus*, becauſe ye ought often to confer with your Clergy, and to reprove their Negligence; for thro' their Perverſeneſs, the Canonical Decrees, and the Doctrine of the Church are in effect aboliſh'd: Therfore deliver your own Soul, and inform them what they are to obſerve, as they are Prieſts and Miniſters of Chriſt, leſt you periſh with them, if you become a *dumb Dog*. We write the following part of the Epiſtle in *Engliſh*, and in ſuch a manner, as if you yourſelf dictated it with your own Mouth, and ſaid to your Subjects of the Clergy.

1. I tell you, Prieſts, That I will not bear your neglects of your Miniſtry. And I tell you in good ſooth, how the matter ſtands with Prieſts: Chriſt [a] eſtabliſhed Chriſtianity and Chaſtity; and all that went with him in his way, forſook every worldly thing, and the company of their Wives: therfore He himſelf ſaid in his Goſpel, *He that hateth not his Wife is not a Miniſter worthy of me.* *Sax.*

[a] So *Somn.*

2. After Chriſt's aſcending up again to the Kingdom of Heaven, and the death of the venerable Apoſtles, ther was ſuch a Perſecution raiſed thro'out the World, that no Synod of God's Servants could be aſſembled, by reaſon of the Heathen [b] Murderers, who earneſtly ſought their Death, till *Conſtantine* the Emperor, who had all the World under his Government, ſubmitted to Chriſtianity.

[b] Perſecutors. *Somn.*

3. Then he aſſembled a Synod at the City of *Nice*, of 318 Biſhops of all Nations, for the ſettling of the Faith; ther were many [c] famous Biſhops, that

[c] *Multi præclari.* Somn.

that wrought many mighty Wonders at the Synod: and they excommunicated *Arius* the Mass-Priest, because he would not believe, that the Son of the Living God was so Mighty as his Great Father is; therfore they all condemned this Man of the Devil, but he wou'd not desist, till he saw all his Entrails [gush] out together, when he went to the House of Office.

4. By this Synod the Liturgy of the Church was establish'd, and the Mass-creed, and many other things concerning the Worship, and the Servants of God.

5. They all decreed, with an unanimous Resolve, That neither Mass-Priest, Deacon, nor Canon-Regular should retain any Woman in his House, except, Mother, or Sister, or Aunt, by Father, or Mother; and that he who did otherwise should forfeit his Order. This seems strange to you to hear: [d] for ye have so brought your wretched doings into fashion, as if ther were no danger in a Priests living like a married Man. Now ye say, ye cannot be without the attendance of a Woman: How then could those Holy Men [e] dwell without a Woman? And they have now the Reward of their Purity of Heart, in Life eternal without end. The Priests now reply, That *Peter* had a Wife. They say what is very true; for so he might under the Old Law, before he submitted to Christ; but he left his Wife, and every worldly thing, after he had submitted to Christ, who instituted Chastity.

[d] CCC MS. L. 12.

For þan þe ge habbaþ eoppe ynmþe ppa on gepunan gebpohť, ppylc hyť nan þleoh ne py, &c. as in Sir *H. S.* Mr. *Somner* had so corrected this Text, and so renders it as I have done, save that he turns ynmþe *calamitatem*.

[e] Tunian not pum—

7. The

7. The Bishop, under the Old Law, might marry an uncorrupted Maid, and might use her at set times, because one only Family could be of that Order, and that always: Nor could one be [f] chosen out of any other Stock. And he must marry [g] but once, and then not a Widow, or divorced Wife, but a Maid, as we said before. And they [h] might well have a Wife in those Days: for then they never celebrated Mass, nor Housel'd Men, but offered Beasts, after the ancient manner, till Christ hallowed Housel before his Passion, and instituted the Mass; which is still in force thro' him.

[f] Sir *H. S.* berceor, which I took to signify *chosen*, deleting the first r. But the CCC MS. has Birceop.

[g] This Particular do's not appear by the Sacred Text, *Lev.* xxi. 13, 14.

[h] For nabban read habban, and dele re CCC MS.

8. It was also decreed in [i] the same Synod, That he who marries a Widow, or divorced Wife; or he that [married] a second time, be never admitted afterwards to any Order, nor hallowed to Priest: but that he be chosen to the Holy Order, that has but one Wife, and her uncorrupted, as the Apostle [k] *Paul* wrote in his Epistle.

[i] on þam ylcan is superfluously repeated.

[k] The Apostle teacheth that a Bishop shou'd be a Husband of one Wife, that this Wife shou'd be an uncorrupted Maid he saith not, 1 *Tim.* iii. 2.

9. Nor may any Priest be at a Wedding, where either the Man or Woman is married a second time, nor bless their Conjunction: Let such an one be so marked, as that it had been better for him to have

[l] ȝra þ him selne þæn þ hi sunoðon on clænnysse. Se lereca mot ȝra þeah be þæs Apostoles læs oþne sibe siriȝan. ȝyf hit sife him æt syllþ. Thus Sir *H. S.*'s Copy is supply'd by the CCC MS. L. 12.

have continued in Chastity: Yet the Layman may, by the Apostles's permission, marry a second time, if his Wife fail him. But the Canons forbid a Blessing to it, and appoint a Satisfaction [to be made] by such Men.

10. Ther are seven Orders appointed in the Church: The first is Ostiary, the second Lector, the third Exorcist, the fourth Acolyth, the fifth Subdeacon, the sixth Deacon, the seventh Presbyter.

11. The Ostiary is Keeper of the Church-Doors, who is to notify the Time with the Bells, and to unlock the Church to Believers, and to lock out the Unbelievers.

12. The Lector is to read in God's Church, and is ordain'd to publish God's Word.

13. The Exorcist is, in plain *English*, he that with Invocations adjures Malignant Spirits, that delight in vexing Men, thro' the Almighty Name, to depart from them.

14. He is called the Acolyth, who holds the Candle, or Taper, at the Divine Ministration, when the Gospel is read, or the Housel hallowed at the Altar, not as if he were to drive away the obscure darkness; but to signify Bliss by that Light, to the honour of Christ, who is our Light.

15. Subdeacon is plainly the Under-Deacon, he that brings forth the Vessels to the Deacon, and humbly ministers under the Deacon, with the Housel Vessels at the Holy Altar.

16. The Deacon is he that ministers to the Mass-Priest, and places the Oblation on the Altar, and reads the Gospel at the Divine Ministration, he may baptize Children, and housel the People. They [m] ought to serve their Saviour in white Albs, and

[m] ȝa ȝceolan on hȝtum album þam hælend þeoȝȝan, &c. So CCC MS.

and preserve the Heavenly Life with purity, and let all [a] be done as becometh that Order. The Priest, that remains without a Deacon, has the Name, not the attendance of a Priest.

[a] ðuȝenð. CCC MS.

17. Presbyter is the Mass-Priest, or Elder, not that he is old otherwise than in Wisdom. He halloweth God's Housel, as our Saviour commanded: He ought by preaching to [b] instruct the People in their Belief, and to give an Example to Christians, by the purity of his Manners. Ther is no more between a Bishop and a Priest, but that the Bishop is appointed to ordain, and to Bishop [c] Children, and to hallow Churches, and to take care of God's Rights: for they would be abundantly [d] too many, if every Priest did this, He hath the same Order, but the other is more honourable.

[b] lapan, CCC MS. instead of Sir *H. S.*'s la an.

[c] to biſceopienne cild. ⁊ to halȝian cyrcan. CCC MS.

[d] CCC MS. has manȝ-ȝealð for manigealð, and omits mannigo-ȝealð.

18. Ther is no Order appointed by Ecclesiastical Institution, but these seven, as we now said, Monkship and Abbotship are of another sort, and are not to be reckon'd in this number: Let no Man add any Order (so miscalled) to these Orders. [e] The Souls of the Priests that keep themselves chaste are an Holy Oblation.

[e] I remove the Stop from hepto to after hadar.

19. Now it concerns Mass-Priests and all God's Servants to keep their Churches employ'd with Divine Service. Let them sing therein the seven Tide-Songs that are appointed them, as the [f] Synod

[f] Synod earneſtly requires, *viz.* the [g] Uht-ſong, the [h] Prime-ſong, the [i] Undern-ſong, the Middar-ſong, the [k] Noon-ſong, the Even-ſong, the [l] Seventh [or Night]-ſong.

[f] Perhaps the Synod of *Nantz*, *A. D.* 890. See Diſtinct. 91.

[g] Commonly called Mattins, ſometimes Nocturns, ſometimes ther were eight Canonical Hours, then Nocturn was at Midnight: when it was deferr'd to Mattins (that is ſometime before Day-light) it was ſtill by ſome called Nocturns.

[h] Seven a Clock in the Morning, which was the firſt Hour, or one a Clock in the *Latin* Account.

[i] Nine a Clock in the Forenoon with us; *Tiert*, the third Hour with the *Latins.*

[k] Three a Clock after Noon with us: *None*, *Hora Nona* with the *Latins.*

[l] Nine at Night, *Compline.*

20. And they ſhall pray devoutly for the King, and for their Biſhop, and for their Benefactors, and for all Chriſtian People.

21. And [the Prieſt] ſhall have the Furniture for his Ghoſtly Work before he be ordained, that is, the Holy Books, the Pſalter, and the [m] Piſtol-Book, Goſpel-Book, and Maſs-Book, the [a] Song-Book, and the [b] Hand-Book, the Kalendar, the [c] Paſſconal, the [d] Pe-

[m] Theſe Books did not contain the entire Epiſtles, or entire four Goſpels, but ſuch Portions of them as were aſſigned to be read at the Altar at Maſs.

[a] Elſewhere called the Antiphonary.

[b] The Manual in the Conſt. of Archbiſhop *Winchelſey*, *Anno* 1305.

[c] CCCC MS. has Partonale, but this was the ſame with the Penitential: therfore Sir *H. S.*'s Text is here to be preferr'd. The Paſſional was the ſame with the Martyrology; it contained the Account of all the Saints, and the Days of their Suffering, or Death, and *Durandus* ſays it was read in the Church. It may not be improper here to take Notice of the Catalogue of Books which

which the Priest was injoined to have by *Bede*, or the Author *de Remediis Pecc.* Sir *H. S.* Vol. I. p. 281. *Let the Priest provide his Furniture before the Hand of the Bishop touch his Head*, viz. *a Psalter*, *a Lectionary* (here called the Lesson-book), elsewhere the Legend) *an Antiphonary* (containing the Prayers, Canticles and Psalms for every Day in the Year, which with the Lectionary makes the present Breviary,) *a Missal*, *a Baptistery* (which contain'd the Baptismal Service, says *du Fresn*, and I am apt to think here in *England* it contained the whole Ritual, that is, all the Services for administring Sacraments (except the Eucharist and Sacramentals,) *the Martyrology for the Circle of the whole Year*; *and the Computus with a Cycle*, which I take to have been meant by the ȝeþim Almanack, as I turn it after our *Somner*, that is the Tables of New Moons, and for finding moveable Feasts, and for finding *Easter* for ever.

[d] Penetential, and the Lesson-Book. [e] It is necessary that the Mass-Priest have these Books: and he cannot be without them, if he will rightly exercise his Function, and duly inform the People that belongeth to him.

[d] The Penitential was the Book which directed the Priest what Penance to enjoin for every Sin confess'd to him.

[e] Here Sir *H. S.*'s Copy was defective, the CCCC MS. hath it as follows: þæſe Becſceal Mæſſe-Þneoſt nebe habbah. ⁊ he ne mæȝ butan beon. ȝif he hiſ haðe on þiht healban þýle. ⁊ þam folc æftep þiht þiriȝan þe him to locaþ: ⁊ beo he æt þam þæp þ hi beon þel ȝe þihte. My Translation is according to this Copy.

22. He shall have his *Mass* Vestment, that he may reverently minister to God, as is becoming; and let not that Vestment of his be sordid, at least not to [f] the sight; and his Altar-Cloaths

X well

[f] I understand to ſiȝen, q. toſieu. *Somner* says, *Nec tamen fulgida, vel splendida*: he adds another Conjecture less probable than the former, as if Siȝen signified a Cloak, and that was here forbidden.

well made. Let his Chalice likewise be made of [g] Pure Wood, not subject to rottennefs; and also the Pattin: and let the Corporal be clean, so as [h] befits Christ's Ministration. A thing of this sort is not to be [i] treated without great care: But he shall be ever honoured with God, who ministers to Him in Wisdom and Purity.

[g] The *Danes* by their Depredations had reduced the *English* to Wooden Chalices. But it does not appear, that they had, by this means, made Golden Priests, or Bishops.

[h] Here CCCC MS adds ȝebinaþ, as Mr. *Somner* also has in his Annotations.

[i] Somn. *Nemo sine labore talia proferre*, &c.

23. The Mass-Priest on *Sundays* and Mass-days, shall speak the sense of the Gospel to the People in *English*, and of the *Pater Noster*, and the Creed, as oft as he can, for the inciting of the People to know their Belief, and retaining their Christianity. Let the Teacher take heed of what the Prophet says, *They are dumb Dogs and cannot bark.* We ought to bark and preach to Laymen, lest they should be lost thro' Ignorance. Christ in his Gospel saith of unlearned Teachers, *If the blind lead the blind they both fall into the Ditch.* The Teacher is blind that hath no Book-learning. And he misleads the Laity thro' his Ignorance. Thus are you to be aware of this, as your own Duty [requires.]

24. The Holy Fathers have also decreed, That Tithes be paid into God's Church, and that the Priest go to them, and divide them into [k] three [Parts],

[k] It seems evident that Tithes were now brought to the Church by the Tithe-payer: and that Bishops did not any longer insist on their Quarter of the Tithes, their Sees being by this time well endowed. *Somner* translates, *adeaturque Sacerdos, & distribuantur.* But he was not satisfied with this Version, for he adds Q.

[Parts], one for the Reparation of the Church, a second to the Poor, a third to God's Servants, who attend the Church.

25. They have also decreed, That Mass be not celebrated in any House, but what is hallowed, except in case of necessity, or [l] if the Man be sick.

[l] Not on the account of any Layman's Sickness, but of the Priest who was to officiate. *See Can.* 30. 960.

26. And if an unbaptized Child be of a sudden [m] brought to the Mass-Priest, that he baptize it with all possible expedition, lest it die a Heathen.

[m] By this it shou'd appear, that of old the Priest was not call'd to baptize the sick Child, but the Child was brought to the Priest. If this practice were now restored, it wou'd prevent those pretences of Sickness, whereby Clergymen are drawn to baptize Children at home, when the true Cause is only to save themselves the trouble of bringing it to Church: for, generally speaking, it is no more trouble to bring a Child to the Church, than to the Vicarage, or Parsonage-House. And by this means Baptism wou'd be administred with greater expedition. And 'tis my Opinion, that many a Child's Life wou'd be saved by exposing it to the open Air, that is now stifled to death for want of Breath, in a close Chamber.

27. That no Priest sell his Ministrations for Money, nor make demand of any thing for Baptism, or any other Ministration: [a] and let him not be like them whom Christ drove with a Scourge out of the Temple, because they wickedly traffick'd in it. Let not the Servants of God now perform their Ministrations for Money, but to the end that they may merit Eternal Glory thereby.

[a] For *and Somn.* read ⁊, qod, *that be not said*, &c.

28. Let [b] no Prieſt remove for Gain from one Minſter to another; but ever continue in that, to which he was ordained, ſo long as he lives.

[b] This is not in the CCCC MS. L. 12.

29. And let no Prieſt ſottiſhly drink to Intemperance; nor force much drink on others: for he ſhould be always in readineſs, ſo as to have his Wits, if a Child be to be baptized, or a Man to be houſeld: and if nothing of this ſhould happen, yet he ought not to be drunk; for our Lord hath forbid Drunkenneſs to his Miniſters.

30. Let no Prieſt be a Trader, or a [c] covetous Merchant; nor forget his Relation to God, nor engage in ſecular Controverſies, nor wear Arms, nor plead Cauſes, nor drink at Taverns, as ſecular Men do, nor ſwear Oaths, but always ſpeak without Falſity, with Simplicity, as becomes the well inſtructed Servant of God.

[c] gitrigende Marrene. Perhaps *an uſury taking Trader.* The ſaid MS. has Man-rene, for Manrene, a Perjurer.

31. He ſhall likewiſe with Diſcretion injoin Penance to Sinners; to every one according to his Circumſtances, ſo as he may be able to bear it: and he ſhall houſel the Sick, and weakly, while the Sick are capable of ſwallowing the Houſel. Let him not do it, if the Man be but half alive. For Chriſt commanded, that a Man ſhould *eat* the Houſel.

32. the Prieſt ſhall alſo have Oil hallowed diſtinctly for Children, and for ſick Men; and ſolemnly anoint the Sick in their Bed. Some ſick Men are full of vain Fears, ſo as not to conſent to the being anointed. Now we will tell you, how God's

God's Apostle [d] *Jacob* hath instructed us in this Point, he thus speaks to the Faithful. *If any of you be afflicted, let him pray for himself with an even Mind; and praise his Lord. If any be sick among you, let him fetch the Mass-Priests of the Congregation, and let them sing over him, and pray for him, and anoint him with Oil in the Name of the Lord. And the Prayer of Faith shall heal the Sick; and the Lord shall raise him up: and if he be in Sins, they shall be forgiven him; confess your Sins among yourselves, and pray for yourselves among yourselves,* [e] *that ye be healed.* Thus spake *Jacob* the Apostle *concerning the Unction of the Sick.* But the sick Man before his anointing shall with inward Heart confess his Sins [f] to the Priest if he hath any for which he hath not made Satisfaction, according to what the Apostle before taught: and he must not be anointed, unless he request it, and make his Confession. If he were before sinful and careless, let him then confess, and repent, and do Alms before his Death, that he may not be adjudged to Hell, but obtain the Divine Mercy.

[d] So *James the lesser* is called also in our Kalendar: For the first of *May* has the Names of the two Apostles, *Philip* and *Jacob* set over-against it. It is probable that the Nick-name *James* was not yet invented. It is strange, that so pious and learned a Man as *Elfric*, shou'd take such liberty in his translation of this Passage of Scripture, but it was the practice of the Age.

[e] Read beon, not þeon, *Somn.* He has many Emendations of Sir *H. S.*'s Text hereabouts, but such as are very obvious, and of no great account.

[f] This addition, *to the Priest*, is from the CCC MS.

33. Ther have been four Synods in behalf of the true Faith in Opposition to the Heretics, who spake absurdly of the Holy Trinity, and the Incarnation of Christ: the first was at *Nice*, as we said sometime before; the second was afterwards

wards at *Constantinople* [consisting of] one hundred and fifty Bishops, Holy Men of God; the third was at *Ephesus* [consisting of] two hundred Bishops; and the fourth at *Calcedon* [consisting of] many hundred Bishops; and all these were unanimous as to what was decreed at *Nicè*, and they repaired all the Breaches that had been made therin. And these four Synods are to be regarded [g] as the four Books of Christ in his Church. Many Synods have been holden since; but yet these are of the greatest Authority. For they extinguished the Heretical Doctrines which were absurdly invented against God by those Heretics; and they established the Service of the Church.

g God forbid.

34. How dare ye now overlook all these Decrees? When the Monks observe the Rule of one Man, the *Holy Benedict*, and live by his Direction. And if they [h] in any Point break it, they afterwards make Satisfaction according to their Abbots Injunction, with all Humility. Ye also have your Rule if ye would read it. By it ye might see how the matter stands with you. But ye affect secular [i] Judicatures, and chuse to be Reeves, and abandon your Churches, and these Decrees [k] with all.

h hræp not ræp.

i Sax. ræcum *altercationibus. Som.*

k *Omnino. Som.*

35. Yet we will inform you of these Decrees, lest we perish together with you. Christians ought to frequent the Church, † But Men ought not to prate, or dispute there: because that is the House of Prayer hallowed to God for Ghostly Speech. Nor ought Men to drink, or eat intemperately in God's House; which is hallowed to this Purpose, that the Body of God may be there eaten with Faith. Yet Men often act so absurdly as to sit

up

up by Night, and drink to Madness within God's House, and to defile it with scandalous Games, and lewd Discourse. But it were better for them, that they were lying in their Beds, than that they should do —— *Cætera desunt.* Thus far Sir *H. S.*

At this Mark † in the last Canon the CCC. MS. *breaks off, and then goes on as here follows.*

36. Ye ought not to [l] make merry over dead Men, nor to hunt after a Corps, except ye are invited to it: when ye are invited, forbid the *Heathenish* Songs of Lay-men, and their obstreperous Ejulations. Do not yourselves eat, or drink where the Corps lies, lest ye become Imitators of the *Heathenish* Superstition, which they there practise. Ye ought not to be gorgeously drest with Rings: nor let your Garment be made in too gorgeous, nor yet in too [m] sordid a Manner; but let every one wear what belongs to his Order; the Priest that to which he was ordained: and let him not wear a Monk's Shroud, nor that which belongs to Lay-men, any more than a Man wears the Woman's Attire. Christ saith of his Ministers, who diligently serve him, that they shall always be with him in Bliss, where he himself is, in Life truly so called. To him be Glory for ever and ever, *Amen.*

[l] Sax. ꝥæniꝥan, which I by Conjecture understand as ꝥæꝥnean.

[m] Sax. ꝥaclice. perhaps *fine, thin.*

Immediately after the above written Canons of Ælfric, we have the following Exhortation. It was evidently directed by the Bishop to the Priests, when they came to fetch or sent for the Chrism, and the Oils to be used in Baptism, and extreme Unction for the ensuing Year, which was regularly don upon Maunday Thursday; *ther is in the same* MS. L. 12. CCCC *an Epistle in* Latin *to be sent to every Priest, that did not*

personally come to fetch the Chrism, and Oils, Entitled, Epistola quando dividis Chrisma. p. 151. and in *Saxon* p. 336. *I thought fit to translate, and insert this Exhortation first mentioned in this Place, not only because it seems all of a Piece with what goes before in the old* MS. *but because in several Particulars it gives Light into the Doctrin and Practices of this Age; and especially contains a strong Proof that Transubstantion was not yet believed, tho' they doubted not of a Change wrought in the Symbols, which was the universal Belief of the Ancients.*

Sax. 37. I charge you, that ye take Care of yourselves (as your Books direct you) and how ye ought to act on the Days now coming. *Housel* ought not to be hallowed on [a] Long *Fryday*: Because Christ suffered for us on this Day. But yet what concerns the Day must be done, for two Lessons are to be read with two [b] Tracts, and two Collects, and Christ's Passion, and afterwards the Prayers, and let them [c] pay their Adoration to the *Rood*, then let

[a] I know not that *Good-Friday* is any where else called *Long-Friday*; but it is evident no other Day can here be meant: and it is on this Day that the Church of *Rome* forbids the Eucharist to be consecrated, and on no other Day in the whole Year. But then they have a Communion on this Day, which is furnish'd out of the Hosts consecrated on *Maunday-Thursday*: This is call'd, *Missa præsanctificatorum.* *N. B.* I have since met with a Passage in Mr. *Wanley*'s Catalogue, where *Good-Friday* is call'd *Long-Friday*, tho' I cannot now refer to it.

[b] Tracts are certain Sentences to be sung after the Epistle.

[c] Sax. ⁊ gebyðon hy to þæn Rode, which I might turn, *Pray to the Rood.* He that wou'd know the full meaning of all these Directions, let him look into the Romish Missal, which, as it now stands, will sufficiently explain all that is here said of the *Good-Friday* Service, which seems to me the very worst that is in the whole Year,

Year, save that ther is on this Day no elevation of the Hoft, nor, by conſequence, any Divine Honour required to be paid to it: But the Honours paid to the Croſs are a full Compenſation for that defect.

let all greet God's *Rood* with a Kiſs. Afterward let the Prieſt go to God's Altar with the Remains of the Houſel, which he conſecrated on *Thurſday*, and with unhallow'd Wine mingled with Water, and cover them with a Corporal, and then preſently ſay, *Oremus, Præceptis Salutaribus moniti*, &c. *Pater Noſter*, to the End, and then let him ſay with a low Voice, *Libera nos quæſumus, Domine ab omnibus malis*, and aloud, *per omnia Secula Seculorum*. Then let him put a Particle of the Houſel into the *Chalice*, as it is cuſtomary, but with Silence. Then let him [d] go to Houſel, and whoever elſe pleaſes. On the *Thurſday* we ſing our [e] Tide-Songs together, and all the Prayers with a low Voice, *& miſerere mei Domine*, and Collect; on the *Fryday* we ſing all the Tide-Songs ſingly by ourſelves with a low Voice (except the Uht-Song only, which we ſing together) and alſo on the *Saturday* till Noon-Song be ſung. Let no Oil be put in the Font, except a Child be there baptized. Let not the Offertory be ſung at the Maſs on *Eaſter-Eve*, nor *Agnus Dei*, nor *Communia*; but while they are a going to Houſel, let the Chanter begin *Alleluia, Alleluia, Alleluia*, and further the Pſalm, *Laudate Dominum omnes Gentes*; after that the Anthem. *At Veſpers, Magnificat*, Then let the Prieſt ſay, *Dominus Vobiſcum, Oremus*, and the Collect after the Communion: And thus let him end the Maſs, and the Even-Song with one Collect after the Communion. Some Prieſts reſerve the Houſel, that was hallowed on *Eaſterday*, over Year for Sick Men. But they do very

[d] This is an old Engliſh Phraſe, ſignifying to receive the Sacrament.

[e] Hours of the Breviary, Uhtſang, Prime, &c.

very greatly amiſs, who cauſe the Holy Houſel to putrify, and are unwilling to underſtand how great Satisfaction the Penitential directeth in Relation to them, if the Houſel be putrified, or muſty, or lost. Or if a Mouſe eateth it, thro' Careleſneſs. The Holy Houſel ought to be kept with great Diligence and not be permitted to be ſtale, but another be always hallowed anew for Sick Men in about a Seven-night, or Fortnight, ſo as that it may not be muſty at leaſt. For that Houſel that was now hallowed to Day is altogether as *Holy* as that which was hallowed on *Eaſter-day*. That Houſel is Chriſt's Body, not corporally, but ſpiritually; not the Body in which he ſuffer'd, but that Body of which he ſpake, when he bleſſed Bread and Wine for Houſel one Night before his Paſſion, and ſaid *of the Bread bleſſed, This is my Body*; and again, *of the Wine bleſſed, This is my Blood, that is ſhed for many for the Forgiveneſs of Sins*. Know now that the Lord, who was able to change the Bread into his Body before his Paſſion, and the Wine into his Blood, in a ſpiritual Manner, he his ſelf daily bleſſeth Bread and Wine by the Hand of his Prieſts into his ſpiritual Body and Blood. And the Prieſt ought purely, and carefully to perform the Divine Miniſtration, with clean Hands, and clean Heart; and let him beware that the Oblation have not been too long baked, left it be unſightly; and let him always mingle Water with the Wine. For the Wine betokeneth our Redemption thro' Chriſt's Blood; and the Water betokeneth the People, for whom he ſuffer'd. Great Honour doſt thou merit, if thou miniſtreſt to God with Earneſtneſs, and Reverence; and again it is written, that *he is curſed, that doth Service to God with Negligence*. By this we may know that the Man who has not his Sight, ought not to preſume to celebrate Maſs, when he does not ſee what he

offereth

fereth to God, whether it be clean, or foul. Mass ought not to be celebrated with any other essel but the Chalice that is blessed for this urpose. We charge you Mass-Priests, that ye harge all the People that belong to you, and to hom ye are Shrifts, that the four first Days of *aster* be kept free from all Servile Works. Beause at this Time all the whole World was set : Liberty from the Captivity of the Devil: and t the Feast of *Sunday* be kept from *Saturday* [f] Noon, ll *Mundays* Light; and the Feast of every Massay, that was appointed, and injoined as a Feast ı the Days of the Predecessors of our Lord the King, and of our Ancestors. And further let as many Days be fasted as are establisht for this Purose, and have a Service appointed for them. Let very Man fast every *Fryday* in the Twelve-month, ave from *Easter* to *Pentecost*, and again from *Midinter* till a Seven-night after *Twelfth-day*; or exept it be a publick Feast, or a full Service belong o it: otherwise let no Man break the Fast on his Day. And we Bishops decreed, when we vere together, that the whole Nation fast before he Mass-days of St. *Mary*, and the Mass-days of he Apostles: and that the Mass *contra Paganos* be ung every *Wednesday* in every Minster, and that very Mass Priest do the same at his Church. Now e have heard what is unanimously to be done by ou, what is to be left undone. [g] If ye act conrary to this, we have not the Government [of ou,] but we shall be clean at God's Doom. God rant ye may so [h] consider it, as it is your Duty o do.

[f] See Law of *Edgar*, 5. 958.

[g] Sax. ıf ge of þıſum boþ ſe nagon geſeald.

[h] Sax. aþæbıgan. perhaps *read.*

A. D.

A. D. DCCCCLVIII.

King EDGAR's Laws Ecclesiastical.

PREFACE.

THo' *these Laws, and the first Set of Canons following next after them are ascribed to King* Edgar; *yet they have nothing of the Spirit of* Dunstan *in them; I mean, they inflict no Punishments, or hard Censures upon the married Clergy, as they certainly would, if* Dunstan *had been at the making of them. It is possible, that these Laws, and the first Set of Canons might have been made, while* Edgar *shared the Kingdom with his Brother* Edwy. *But I rather chose to place them in the second Year of his Reign over all* England. Dunstan *was not Archbishop of* Canterbury *before the Year* 962.

A. D. DCCCCLVIII.

Sax. THis is the Provision, which King *Edgar* made with Consent of his Counsellors to the Praise of God, to his own Royal Dignity, and the Benefit of all the Nation.

1. This is the principal Point, that God's Churches possess their Right, and that every one pay his Tithe to the ancient Minster, to which the [a] District belong whether of the *Thanes* [b] De-

[a] Sax. hynnerre.
[b] Sax. inlanð.

mean-

mean-land, or of his [c] Land let out to others, let it be so paid as his Plow go's.

[c] Sax. Neatland. It is very evident that the Thane had not the Power of disposing of the Tithes arising from his own Lands; but was bound to pay them to the Church, or Minster, to which they did by custom belong. If he built a Church, he could grant but one third of his Tithes to it by *Can.* 2.

2. If ther be any *Thane*, who hath on Land, which he holds by written Deed, a Church with a Burying-place belonging to it, let him pay the third Part of his Tithes into his own Church. If he hath a Church with no Burying-place belonging to it, let him give his Priest what he will out of the nine Parts; and let every Church-Scot go into the ancient Minster from all the Ground of Freemen.

3. And let all the Tithe of young Animals be paid by *Pentecost*, and of the Fruits of the Earth by the *Equinox*; and let every Church-Scot be paid by [d] *Martins* Mass, under Pain of the full Mulct, which the Doom-book mentions, and if any will not pay the Tithe as we have commanded, let the King's Reeve and the Bishop's Reeve, and the Mass-Priest of the Minster, go to him, and take by Force, the tenth Part for the Minster to which it belongs, and deliver to him the ninth Part, and let the eight Parts be divided into Two; and let the Lord take one half, the Bishop the other, whether it be a King's Man, or a *Thanes* Man.

[d] *November* 11.

4. And let every Harth-peny be paid by [e] *Peter-Mass-*

[e] That is *Lammas*-Day, or St. *Peter ad Vincula*. This Rome-Peny was given by *Ina*, and *Offa* for the maintaining an *English* School at *Rome*; and on Condition that no one should be obliged to go by Way of Penitential Pilgrimage from *England* to *Rome*; therfore he who refused to pay it was obliged to perform this Pilgrimage as a Penance for refusing it.

Mass-day, and let him who hath not paid it by that Term carry it to *Rome*, and thirty Pence over, and above, and bring a Certificate, that he hath there deliver'd so much: and when he comes home, let him pay the King an hundred twenty Shillings. And if again he refuse to pay it, let him carry it again to *Rome*, and another such Satisfaction, when he comes home, let him pay the King two hundred Shillings. If he refuse it the third Time, let him forfeit all that he hath.

5. Let every *Sunday* be kept in a Festival Manner from the [f] Noon-tide on *Saturday* till *Monday* Morning light, under the Penalty which the Doom-book mentions; and every other Mass-day as commanded. And let injoined Fasts be kept with all diligence.

[f] That is three in the Afternoon according to our present Account: and this Practice, I conceive continued down to the Reformation. In King *Wihtred*'s Time, the Lord's Day did not begin till *Sunset* on the *Saturday*. See 697. No. 10. Three in the Afternoon was *Hora nona* in the *Latin* Account, and therfore called *Noon*. How it came afterward to signify Mid-day I can but guess. The Monks by their Rules could not eat their Dinner till they had said their Noon-Song, which was a Service regularly to be said at Three a Clock; but they probably anticipated their Devotions, and their Dinner by saying their Noon-Song immediately after their Mid-day-Song, and presently falling on. I wish they had never been guilty of a worse Fraud than this. But it may fairly be supposed, that when Mid-day became the Time of Dining, and saying Noon-Song, it was for that Reason called Noon by the *Monks*, who were the Masters of Language, during the dark Ages. In the *Shepherds Almanack* Noon is Mid-day, High-Noon Three.

After these Laws in Lombard's *and* Wheloc's *Edition follows another Set of eight Laws, two of which I have here inserted, tho' they are not in Sir* H. S. *The rest are entirely Civil.*

6. Let a [g] Judge that gives an unjust Sentence make Satisfaction to the King with an hundred twenty Shillings, unless he dare affirm on Oath, that he knew no better: and let him also forfeit his *Thaneship*, unless he purchase it of the King according as he will grant it. And let the Bishop of the Shire levy the Mulct for the King's Use. 3.

[g] Sax. Dema: he was probably one that presided in the Hundred Court, or the Burgh-mote (which was the Court holden in a City, or Burrough) yet it is evident he was a *Thane*; for otherwise he could not forfeit his *Thaneship* by Corruption: Yet the Bishop here has a civil Power over this *Thane*, so that he could distrain him.

7. Let Resort be made to the Hundred-Court, as hath been ordained in time past. Let the Burgh-mote be held thrice a Year, the County Court twice, [h] and let the Bishop be at the County Court, and also the Alderman; and there let each of them put in Ure both God's Law, and the Worlds Law. 5.

[h] Not, I conceive, that the Bishop was to pass Sentence of Death, or bodily Punishment; nor that the Alderman was to excommunicate; but the Bishop might inforce secular Laws by Ecclesiastical Censure, and the Alderman Ecclesiastical Laws with Civil Punishment, where it was thought most expedient.

A. D. DCCCCLX.

Canons made in King Edgar's Reign.

PREFACE.

IMmediately after King Edgar's *Ecclesiastical Laws in the* CCCC MS. *follow these Canons which I place before* Dunstan's *Accession to the See of* Canterbury, *as containing no Censure against the married Clergy.* Somner *observes that many of them are taken from the Capitularies of* Charles *the Great. The Title is,*

Sax. Here now follows after *Edgar*'s Provision the Regulation of the Lives of Ecclesiastical Persons.

1. WE [i] charge that God's Servants diligently perform their Service and Ministry, to God, and intercede for all Christian Folk, and that they be all faithful and obedient to their Superiors, and all unanimous for their common Benefit, and that they all be helpful to each other both in relation to God and the World; and that they be faithful, and true to their [k] worldly Lords.

[i] *We charge*, is repeated at the beginning of every Canon in the Original.

[k] Secular Lords of Clergy-men were the King their Patrons, their Founders Heirs, or such of whom they held Lands.

2. And

2. And that they all honour each other, and that the Inferiors obey the Superiors, with Diligence, and that the Superiors love, and instruct diligently their Inferiors.

3. And that at every Synod every Year they have their Books, and Vestments for Divine Ministration, as also Ink, and Parchment for [writing down] their Instructions, and three Days Provision.

4. And that every Priest have his Clerk to the Synod, and an orderly Man for his Servant, none that is indiscreet, or that loves foolery, and let all proceed in Order, and in the Fear of Almighty God.

5. And that every Priest [l] give Information in Synod, if any thing aggrieve him, and if any Man hath highly abused him: and [let them be] for him all [m] in one, as if it had been done to themselves; and let them so assist him, that the Man may do Satisfaction, as the Bishop directs.

l gecyþe is to be added after Synoð Somn. This and many other of the following Canons do much resemble the Laws of the *Northumbrian* Priests. 950.

m Sax. on ane Somn.

6. And that every Priest give Information in Synod, if he know any Man in his District that is contumacious against God, or fallen into mortal Crimes, whom he cannot reduce to Satisfaction, or dare not by reason of secular Men.

7. And that no Suit between Priests be commenced before secular Men, but that their Equals be Arbitrators, and Umpires; or let them lay their Cause before the Bishop, if ther be a Necessity.

8. And that no Priest do of his own Accord desert the Church, to which he has been blest, and married.

9. And that no Priest interfere with another in any thing that concerns his Minster, or his Parish, or his [a] Gildship, or in any of the things which belong to him.

[a] See L. 1. of *Northumbrian* Priests, 950, and the Note there.

10. And that no Priest receive a [b] Scholar without the Leave of the other by whom he was formerly retained.

[b] Clergymen were raised in this Age, by putting Children into the Family of a Bishop, or a Priest, or into Monastry, where they were instructed in the Books, which contained their religious Offices; and so soon as they could read, and write, they received the first Tonsure, that is, they were made Ostiaries tho' in after Ages ther was a Distance of Time between their being shaved, and receiving the first Order, this *Morinus* shews to be a later Corruption.

11. And that every Priest do moreover teach manual [c] Arts with diligence.

[c] This was a commendable Provision in an Age, when Books were so scarce, that a Clergy-man could scarce know how to imploy his Time innocently after he had well learned the publick Offices. I remember Bishop *Grosthead* after we had Universities, complains, that he could not find Bibles, for the Use of such Incumbents, and Clergy-men of his Diocese as he had sent thither.

12. And that no learned Priest do reproach him that is half-learned, but mend him, if he know how.

13. And that no noble born Priest despise one of less noble Birth. If it be rightly consider'd, all Men are of one Origin.

14. And

14. And that every Priest do justly [d] state his own Accounts, and be not an unrighteous Chapman, nor a [e] covetous Merchant.

[d] Sax. tilian. This commonly signifies to follow Agriculture which was usual with the Clergy of this Age, but the Adverb rihtlic joined with it rather inclines me to take it as tylean. And it is no contemptible Quality, especially in Clergy-men, to keep exact Accounts; and the rest of the Canon seems to favour this Sense.

[e] *Somner's* Reading is gitsigend. He understands it of one that takes Usury.

15. And that every Priest give Baptism as soon as it is desired, and that he give it in Charge to his District, that every Child be baptized within thirty seven Nights, and that no one too long remain unbishop'd.

16. And that every Priest industriously advance Christianity, and extinguish *Heathenism*, and forbid the [f] Worship of Fountains, and Necromancy, and Auguries, and Enchantments, and Sooth-sayings, and [g] False Worship, and [h] Legerdemain, which

 carry

[f] Wilpeorþunga is translated by Sir *H. S. fictus ad libitum Adorationes.* This led some Puritans into a lepid Mistake. See Dr. *Hammond* on *Col.* ii. xxiii. which Text Sir *H. S.* too puts in his Margin. The Worshipping of Wells and Fountains was a Superstition, which prevailed in this Nation till the Age before the Reformation. Nay, I cannot say that it is yet extinguish'd among the Papists. In the Ages of dark Popery, it was thought sufficient to forbid the honouring of Wells and Fountains, without the Bishops Approbation.

[g] Sir *H. S's* Version here is *hominum cultus Divinos*, but this cannot be the meaning; because the Worshiping of Saints was now certainly practised in this Church, and therfore could not be condemned by the Author of these Canons. And the *Saxon* Word implies not what Sir *H. S.* supposed.

[h] gemaaripa

[h] ȝemaappa in Law first of King *Edward* [illegible] *Lamb.* seems to signify the Substituting one thing [illegible] another by Slight of Hand, therfore I turn it Leg[illegible] demain.

carry Men into various Impostures, and to [i] Grove and Ellens, and also many Trees of divers Sort and Stones. And many do exercise themselves [illegible] Variety of Whimsies to such a Degree, as they by no means ought to do.

[i] In this Word I follow Mr. *Somner*'s Conjectu[illegible] in the next Word *Ellen* my own. The *Elder-tree* [illegible] passes by that Name in some of the North-west Counties. No Tree looks more venerable, or divine, when it is full of Blossoms, or Berries. Mr. *Som.* turns it to *Five-tree.* But our Forefathers dealt not in Exotics.

17. And that every Christian Man diligently win his Child to Christianity and teach him *Pater Noster & Credo.*

18. And that Men on Holy-days forbear *Heathenish* Songs, and Diabolical Sports.

19. And that Men abstain on the *Sunday* from Markets, and County Courts.

20. And that Men abstain from fabulous Readings, and absurd Fashions, and scandalous [k] Shavings of the Hair.

[k] Here I follow Mr. *Somn.* It is well known that the several Modes of cutting or shaving the Hair were among the *Heathen* Tokens of Mens being devoted to one Idol, or another. The *Danes* being *Heathens*, or half Christians had introduced these Fashions here in *England.*

21. And that Men abstain from Familiarity with Concubines, and choose lawful Marriage.

22. And that every Man learn to be expert at *Paster Noster, & Credo,* as he desires to lie in holy Ground, or to be [esteem'd] worthy of the Housel; for he who refuseth to learn that, is not a good Christian,

Christian, and he cannot of right undertake for others at Baptism, nor at the Bishop's Hands. Let him who knows it not first learn it.

23. And that ther be no violent Strife between Men on Festival, or Fasting Days.

24. And that on Festival, and Fasting Days Oaths, and Ordeal be forborn.

25. And that every Man abstain from his [l] Wife on Festival, and establisht Fasting Days.

[l] Read ꝑꝟ, not ꝑꝛ *Sonn.*

26. And that Priests keep their Churches with all Honour for Divine Ministrations, and pure Services, and to no other Purpose; and that they allow of no undecent Thing either in, or next it, nor of any idle Word, or Work, nor of undecent Drinking. Nor let any Dog or Swine come within the Verge of the Church, so far as Man can govern.

27. And that nothing be lodged in the Church, that is not befitting it.

28. And that Men be very temperate at Church-wakes, and pray earnestly, and practise nothing unbecoming [m] there.

[m] Read þæꝑ ne, not þanne.

29. And let no Man be buried in a Church, unless it be known that he in his Life Time have so pleased God, that Men on that Account allow him to be worthy of such a Burying-place.

30. And that no Priest celebrate Mass in any House but a hallowed Church, except on Account of [a] some Man's extreme Sickness.

 31. And

[a] Not an Account of any Lay-man's Sickness, the 38th Cannon provides for this; but in Case any Priest had vow'd, or thro' Zeal was resolved, or had it injoin'd him in Penance to say Mass, and yet was too sick to go to Church. See also *Can.* 25 *Elfric* 960.

31. And that the Priest never celebrate Mass at least without a hallowed Altar.

32. And that a Priest never celebrate Mass without Book; but let the [b] Canon be before his Eyes to see to, if he will, lest he mistake.

[b] The Canon is the most essential Part of the Mass, *viz.* from the End of the Trisagium till the Consecration be ended. It is fairly intimated here that the Priests used to say this Canon without Book (of which see my *unbloody Sacrifice*, Part. 2. *Preface* p. 21. and Book p. 147) and even here the Priest is only permitted, not injoined to read it.

33. And that every Priest have a [c] Corporas when he celebrates Mass, and a [d] Subumbilica under his Alb, and every [e] Mass Vestment decently put on.

34. And

[c] A Linen Cloath in which to lay the Sacrament.

[d] I no where else meet with this Term. Mr. Somner turns it *Subucula*. To me it seems so called, q. *Vestis & Subumbilicalis*, to signifie the Amyt which as it had a Head-stall, and came over the Shoulders. So it was streight about the Reins, *in renibus stringitur*, says *Durandus*, L. 3. c. 2.

[e] Here it may be seasonable to mention the whole missal Attire of the Priest as we have it in *Durandus Lib.* 3. *c.* 2.-7. The Amyt before mention'd cover'd the Head, and Shoulders, incompass'd the Breast, and Reins, and was tied with two Strings: This was usually the innermost Garment, but *Durandus* commends the Practise of some in wearing a Surplice over their own Cloths under the Amyt; next was the Alb embroider'd, made of fine Linen, or Byssus, it was streight, without any Surples, and had streight Sleeves, it had a Head-stall, and cover'd the whole Body: Then the Girdle, next was the Stole, or Scarf, which came round the Neck, and down to the Knees on each side: over this was the Chesible, or Planet, which was a Surpled Garment, stood upon the Shoulders, and at the Priests lifting up his Hands it open'd it self on both sides. Last was the Maniple, that was a Napkin or Handkerchief

chief to be laid at his left Hand to wipe off the Sweat of his Face, and it was indeed necessary, that the Man under such a Load of Habiliments should be provided with this last too. And yet it were well, if these Habits were the greatest Burden that the *Pope* laid on his Priests. *Durandus* further says, c. 1. of the said Book, that the Archbishop had eight Vestments, beside the Ornaments of his Hands, and Feet, and c. 10. 11. after the Alb they put on a Tunic, and some two of them, and over the Tunic a Dalmatic, which he says, succeeded the Colobium of the Apostles: the Bishop also had a Surcingle, which was an ornamental Addition to the Girdle. He mentions also the Pluvial, or Cope in this Chapter, but says it was used only on the greater Festivals. He mentions also the Dalmatic of the Deacon, as streighter than that of the Bishop; and the Tunicle of the Sub-deacon as streighter than the Dalmatic of the Deacon. Ostiaries, Lectors, Exorcists, and Acolyths, says he, go all in white, that is in Surplices, with an Amyt, an Alb, and Belt, c. 1. and having there mention'd the Name of the other Vestments, he adds, ther is also a Surplice, which they who tend at the Altar, and other holy Offices ought to wear over their common Clothes.

34. And that every Priest take great Care to have a good Book, at least a true one.

35. And that no Priest celebrate Mass alone without one to make Responses to him.

36. And that no Man take the Housel after he hath broke his Fast, except it be on Account of extream Sickness.

37. And that no Priest celebrate Mass more than thrice at most in one Day.

38. And that the Priest have the Housel always in a readiness for them that may want it; and that he keep it with Diligence, and Purity, and take care that it does not grow stale: if it be kept so long, that it cannot be received, then let it be burnt in a clean Fire, and let the Ashes be put under the Altar; and let him who was guilty of the Neglect diligently make Satisfaction to God.

39. And that a Priest never presume to celebrate Mass, unless he hath all things appertaining to the Housel, *viz.* a pure Oblation, Pure Wine, and Pure Water. Wo be to him that begins to celebrate unless he have all these; and wo be to him that puts any foul Thing thereto; as the Jews did, when they mingled Vinegar, and Gall together, and then invited Christ to it by Way of Reproach to him.

40. And that it never be, that a Priest celebrate Mass, and do not eat the Housel himself, or hallow again that which was hallowed before.

41. And that every Chalice, in which the Housel is hallowed be molten, and that no Man hallow it in a wooden Chalice.

42. And that all things near the Altar, or belonging to the Church be very cleanly and decently order'd, and let [f] what is holy be laid up with Reverence, and let nothing come near it; and let a Light be always burning in the Church, when Mass is sung.

[f] Sax. halıgdom the Sacrament, or Relicks of Saints, or both.

43. And that no hallowed Thing be neglected, as Holy Water, Salt, Frankincense, Bread, or any Thing that is holy.

44. And that no Woman come near the Altar, while Mass is celebrating.

45. And that the Hours be timely notified by ringing [the Bells,] and that every Priest [g] then look out his Tide-song in the Church, and that Prayers be there diligently made in the Fear of God, and Intercessions for all People.

46. And

[g] My Translation is literal. Our Reformers in Preface to Book of Common-Prayer take notice how difficult it was to find out the daily Service in the old Books. Mr. Wilkins turns the Words *ad cantum Ecclesiam petat.*

46. And that no [h] Mass-Priest, or Minster-Priest ever come within the Church-door, or into his [i] Stall without a Stole, at least that he don't minister at the Altar without his Vestment.

[h] The Mass-Priest is here, I suppose, the Secular, the Minster-Priest the Conventual: The Words of *Durandus L.* 3. *c* 5. are very apposit, *viz.* "Tho' the Priest may baptize, and do other such like Offices without any other Vestment, yet not without his Stole, unless in Case of Necessity." And the Stole, or *Orarium* seems to have been the most antient officiating Habit. Mr. *Somn.* turns it the Surplice, but I take it to be a Mistake of that learned Man.

[i] Some say *Chancel*, but I see no just Reason for it.

47. And that no Ecclesiastic cover his Tonsure, nor permit himself to be Mis-shorn, nor his Beard to grow for any long Time, if he will have God's Blessing, and Sr. *Peter's*, and [k] ours.

[k] Therfore these Canons were made by Bishops, or by one at least.

48. That all Priests be uniform as to the Feasts and Fasts, and all bid them in the same Manner, that they may not misinform the People.

49. And that all Fasts be made meritorious by Alms, that is, that every one give Alms in Devotion to God, then is his Fasting more acceptable to God.

50. And that all Priests use the same Practise in relation to the Service of the Church, and [l] keep an equal Pace in the Church Service thro' the Course of the Year.

51. And

[l] Not using the Collect, Epistle, and Gospel for one of the later Sundays of *Epiphany*, or after *Trinity* on *Septuagesima*, or *Advent-Sunday*: These I mention as the most obvious Instances of Priests not keeping equal Pace with each other.

51. And that the Priest diligently instruct the Youth, and dispose them to Trades, that they may have a Support to the Church.

52. And that Priests preach to the People every *Sunday*, and always give them a good Example.

53. And that no Christian taste Blood of any Kind.

54. And that the Priests remind the People of their Duty to God, to be just in Tithing, and other Matters, first the *Plow-Alms* fifteen Nights after *Easter*, and the Tithe of young Animals by *Pentecost*, and the Fruits of the Earth [m] by all Saints, the *Rome-fee* at *Peter-Mass*, and Church-scot at *Martins-Mass*.

[m] Yet by Law 3d of this King 957 Tithes of the Earth were to be paid by the Equinox. By the Way of paying them here mention'd they must probably first have been thresht, and cleaned, by the Way mention'd in the third Law they must have been paid, while in the Straw.

55. And that Priests so distribute the Peoples Alms, as both to render God propitious, and to dispose the People to Almsdeed.

56. And that Priests sing Psalms, while they distribute Alms, and earnestly charge the Poor to intercede for the People.

57. And [a] that Priests guard themselves against over-drinking, and teach the same to other Men.

[a] The Sense of this Canon seems not difficult, yet the Grammar of them is perplext. I will not be positive, that my Translation is exact.

58. And that no Priest be a [b] common Rhymer

[b] I have translated here as in the 41 Law of *Northumbrian* Priests 950, and Mr. *Somn.* here again says *cerevisarius*, *Potefex*. I shall not contend with any Man, who gives his Translation the Preference, after *ylynum adde oppemiб.*

er, nor play on the Musick by himself, or with ther Men; but be wise, and reverend as become is Order.

59. And that Priests guard themselves against Oaths, [c] and that they earnestly forbid them.

[c] In common Conversation.

60. And that no Priest too much love the [d] Company of Women, but love his lawful Wife, that is is Church.

[d] *Viciniam.* Somn.

61. And that no Priest be concern'd in false Vitness, nor be Complice with a Thief.

62. And that a Priest ever [e] decline Ordeal, not n Oath.

[e] I understand biræc, as ꝑonꝑac, oþꝑac avoid or lecline; not that the Priest was to avoid the ministring f Ordeal to others, but to use that Way of Purgation imself; for in Truth none but Slaves, and Persons who ad forfeited their Credit by Perjury were usually put to his Purgation (See Law 3d of King *Edward* in *Lambard*) he Story of Queen *Emma* is a Fiction. Purgation by Oath was more reputable. *Somn.* puts a Q. on Sir I. S's Translation here.

63. And that a Priest do not make his Purgation against a *Thane*, without the *Thanes* [f] Fore-oath.

[f] Fore-oath hath several Significations: here I take it o mean that Oath, which the Informer, or Accuser took *viz.* that he believed his Information to be true. And t was reasonable, that if the *Thane* were known to be he Principal Party in impleading a Priest, he should make such Oath, before the Priest was put to his Purgaion; and that it should not be sufficient that any of the *Thanes* under-agents gave their Oath in this Case.

64. And that no Priest be a Hunter, or Hawker, or Player at Dice; but [g] divert himself with his Book, as becometh his Order.

65. And

[g] Ply his Book, *Somn.*

65. And that every Priest teach them who confess to him, Penance and Satisfaction, and help them in doing it, and that they Housel sick Men when ther is a Necessity, and also anoint them, if they desire it; and after their Departure diligently cover them; and not permit any Undecency toward the Corps, but discreetly bury in the Fear of God.

66. And that every Priest have both Oil for Baptism, and for the anointing the sick, and be ready [in ministring] of Rights to the People, and earnestly promote Christianity in every Respect, and both teach them well, and give them a good Example, then will Almighty God reward him in the Manner most desirable to himself.

67. And that every Priest know to make answer, when he fetches the Chrism, as to what he has done in Relation to the [h] Prayers for the King, and the Bishop.

[h] What these Prayers were I know not, nor will I guess. It seems probable to me, that King *Edgar* approv'd of these Canons, and that he required his Bishops to put them in Execution, and that Priests, when they fetch'd the Chrism were to give Account how they had observed them, and if we add but one Letter to the *Saxonic* Word, and read ȝebeodum, it will signify the Commands, or Injunctions of the King, and Bishop; every one knows that such slight Variations are very common in all ancient Monuments, especially in the *Saxonic*.

A. D. DCCCCLXIII.

Penitential Canons.

Of Confession.

PREFACE.

THE following Canons have no other Rubrick, yet it is evident they are a distinct System from the former. Ther are few or no Censures, or Punishments instilled in the former Canons, here are certain Penances assigned for Sins of all Sorts. And by the Penance assigned to the Monks, and Clergymen for cohabiting with their Wives Can. 31, 40. *which is the same as for Murder, I should think it was* Dunstan *that compiled them, and that this Set of Canons might be called* Archbishop Dunstan's Penitential; *and therfore I date them as made in the Second Year of his Presidency,* viz. Sir H. S. Vol. 1. p. 456.

A. D. DCCCCLXIII.

1. When any one will confess his Sins, let him act like a Man, and not be asham'd to acknowledge his Wickedness, and Crimes by accusing himself; because from thence proceeds Pardon: for without Confession ther is no Forgiveness: for Confession cures. Confession justifies. *Lati*

Here follows a [i] *Chasm in the* MS. *and then these two short Prayers, which were probably the Absolution to be given by the Priest,* viz.

Let

[i] It seems probable, that at this Chasm ther were intended to be inserted various Forms of Absolution, and till Copies of others were found the Form contained in the Text was thought sufficient. I will as a Supplement to

to this Defect give my Reader one from the MS. in the Cot. Library, *Tiberius* A. 3. Fol. 1. The Book is of the Age of *Edgar*, or soon after. For it has his Picture, and St. *Scholastica*'s in its Front: the Absolution is as follows, "The Almighty God, who created the Heaven, "and the Earth, and every Creature, have Mercy upon "thee, and grant thee Forgiveness of all thy Sins, which "thou hast ever committed from thy being made a Christian to this Time thro' *&c.*

Let thy Mercy, O Lord, prevent this thy Servant, that all his Iniquities may be blotted out by a Speedy Indulgence, thro' Jesus Christ our Lord.

Hear I beseech thee, O Lord, the Prayers of thy Supplicants, who cry unto thee, I beseech thee, Lord.

Sax. 2. Let him that is a Physician to the Souls of Men, and takes Cognusance of their Deeds study Distinctions, and that Discretion, how he may lay Men under Penance for their Actions, and yet not pass a rash Condemnation upon them, nor make them despair, when they are willing to confess their Misdeeds: Especially let him hear him patiently. [b] Let his own Way [of doing it] be the Road, if he be willing, and know how humbly to confess his Deeds, and consider his Crimes.

[b] *Somn.* removes the Stop, as I have done, but he translates the Words *suum sit prudens consilium, si*---.

3. Inquire of him concerning his Manners, squeeze out his Crimes, represent [to him] his Deeds, and beware that thou pass not the same Judgment on the Rich, and the Poor, the Freeman and the Slave, the Old and the Young, the Healthy and the Sickly, the Humble and the Proud, the Strong and the Weak, the Ecclesiastic and the Layman.

A wise Judge will discreetly make Distinctions as to every Action, how it was done, and where or when. Wrong is never allowed at any Time: Yet

Yet a Man ſhould alſo eſpecially guard himſelf on Feſtival and Faſting Days: And as a Man is of greater Power and Quality, ſo he ought to make deeper Satisfaction both to God, and the World, for wrong done; therfore the mighty and the mean Man, the Healthy and the Sickly ought not to have the ſame Burden; and therfore a Man is to judge with Moderation, and diſcreetly to diſtinguiſh.

4. After this let [the Penitent] humbly riſe to his Shrift, and firſt ſay, "I believe in the Lord, "the Supreme Father, the Governour of all things, "and in the Son, and in the Holy Ghoſt; and I "believe Life after Death, and I believe that I am "to ariſe at Dooms-day: And all this I believe "ſhall come to paſs thro' God's Power and Mer-"cy.

5. And then meekly bowing to his Shrift with Contrition, and a ſorrowful Mind, let him humbly rehearſe his Confeſſion, and ſay, "I confeſs to Al-"mighty God, [c] and to my Shrift the Ghoſtly "Phyſician all the Sins, with which I was ever de-"filed by accurſed Spirits, either in Deed, or in "Thought, either with Men, or with Women, "whether according to Nature, or contrary to Na-"ture.

[c] It is evident the faſhion of confeſſing to Angels and Saints did not yet prevail.

6. "I confeſs Intemperance in eating and drink-"ing, early and late, all Manner of Luſt, Evil-"ſpeaking, Envy, Doubling, Lying, Vainglory, "Idle-words, Prodigality, and all the Luxury, which "ever befel my unruly Body. I confeſs, that I "have too often been a [d] Contriver of Sin, a Con-"ſenter to Sin, a Complice in Sin, a Teacher of "Sin.

7. "I

[d] Read þýnhta not þihta. *Somn.*

7. "I confess Murder [committed] by my Mind, "Perjury, Unpeaceableness, neglect of God's Denunciations. I confess all that I ever saw with "mine Eyes [tending] to Covetousness, or Evil-"speaking, all that I ever heard with mine Ears "[tending] to Superfluity, or spake with my Mouth "[tending] to Superfluity.

8. "I confess all the Sins of my Body, by my "Skin, by my Flesh, by my Bones, by my Sinews, by my Reins, by my Gristles, by my "Tongue, by the Lips, by the Palate, by the "Teeth, by the Hair, by the Marrow, by every "thing soft or hard, wet or dry. I confess I have "kept my Baptism worse than I promis'd to "my Lord, [e] of my Orders which I ought to have "garded to the Praise of God, and his Saints, and "to my own eternal Salvation. I have been too "negligent. I have often been tardy at my *Tide*-"*songs*. I have sworn false Oaths [f] *in animam Do*-"*minorum meorum*, and have taken the Name of "God in vain.

[e] This Part of the Confession relates to Clergy-men only.

[f] So I turn Minna blaronda life. *Somn.* turns these and the remaining Words of this Canon; *Dominorum meorum vitam, & Domini nomen in vanum accepisse.* I rather think it is to be understood of the old Way of Procurators (such Clergymen much affected to be of *old*) swearing instead of their Principals, which is justly forbid by *Can.* 132 of those publisht 1603.

9. "I beg of my Lord Forgiveness of all; and "that the Devil may never insidiously surprize me, "so as that I die without Confession, and Satisfa-"ction for my Sins; as I this Day confess all my "Guilt before my Lord and Saviour Christ, who "governeth Heaven and Earth, and before this "Holy Altar, and these Relicks, and before my "Shrift, and the Lord's Mass-Priest; and am in [a

State]

" State] of pure, and ſincere Confeſſion; and in a
" good Diſpoſition to ſatisfy for all my Sins, and
" to abſtain from the like, ſo far as I ever can.

" And Thou, O Saviour Chriſt be merciful to
" my Soul, and forgive my Sins, and blot out my
" Guilt, which I have now, or ever before con-
" tracted, and bring me to thy ſupernal Kingdom,
" that I may there dwell with thy Saints and Elect
" without End, Eternally. Now I humbly beſeech
" thee, O Prieſt of the Lord, that thou be my
" Witneſs at Doomſ-day, that the Devil may not
" prevail againſt me, and be thou my Interceſſor
" with God, that I may ſatisfy for my Sins and
" Guilt, and abſtain from other ſuch like. The
" Lord aſſiſt me in this, who liveth and reigneth
" without end for ever. *Amen.*

The Manner of impoſing Penance.

Sir *H. S.'s* numbring

10. If any one commits any Fault unwillingly, he be old, or young, rich, or Poor, healthy, or ſickly, and of what Rank ſoever, he is not to be compared to him, that commits it of choice, and ſelf-will; he who does amiſs thro' Compulſion always deſerves Excuſe, and a more favourable Doom in that he did it of Neceſſity ſo far as he did it. 1.

11. Every Action is warily to be diſtinguiſh'd both in regard to God and the World. 2.

THE g RITES OBSERVED BEYOND SEA.

g. þeapar not þeopar *Somn. Dunſtan* probably brought theſe Canons from *France*, where he lived in Exile.

12. Every Biſhop ſhall be in his Epiſcopal Chair, on the h *Wedneſday* called *Caput jejunii*; then every 3.

h *Aſh-Wedneſday.*

one that is defiled with capital Crimes shall come to him by Day, and declare his Sins; and then he directs a Satisfaction to every one according to the quality of his Crimes. He separateth from the Communion of the Church those who deserve it; and yet exhorts and persuades them to their own necessary Duty. Then [the Penitent] with [the Bishop's] Leave goes Home.

4. 13. Again on the *Thursday* before *Easter* all meet at the same Place, and then the Bishop sings over them, and gives them Absolution; and they afterwards return home with the Bishop's Blessing. This is thus to be observed by all Christian People.

5. 14. Yet the [i] Priest ought diligently to enquire with what Compunction and Exactness the Penitent performed the Satisfaction that had been injoined him, and to give him Absolution accordingly.

[i] Clearly the Bishop, and this is an usual way of Speaking.

6. 15. If one Lay-man slay another without Cause, let him fast seven Years [k] on Bread and Water, and four as his Shrift directs him; and after the seven Years Satisfaction, always earnestly lament his Crime so far as he is able: for it is not known how acceptable his Satisfaction has been with God.

[k] Here ought to be added *Three*.

7. 16. Let him who would kill another, but could not fulfil his Desire, fast three Year, one in Bread and Water, and two as his Shrift directs.

8. 17. If a Lay-man kill another, against his own Will, let him fast three Year, one in Bread and Water, and two as the Shrift directeth, and let him ever lament his Misdeeds.

9. 18. If it be a Sub-deacon, let him fast six Year; if it be a Deacon seven, if it be a Mass-Priest ten, if it be a Bishop twelve Year, and ever lament it.

19. I

19. If one kiſs his own Child againſt his own Will, let him faſt five Years, three in Bread and Water——as above. 10

20. If a Biſhop or Maſs-Prieſt kill a Man, let him forfeit his Orders, and ever earneſtly make Satisfaction. 11

21. If a Woman murder the Child within her, or after it is come forth with a drink, or with any other kind of thing, let her faſt ten Year, three in Bread and Water, and ſeven as her Shrift in Mercy directs her, and ever lament it. 12

22. If one ſlay his [l] Slave without Cauſe out of a preſent Fury, let him faſt three Year. 13

[l] Mr. *Somn.* had turn'd æhc *perſecutorem*, but he croſs'd it out.

23. [m] If a Wife beat her Husband out of any Matter of Jealouſie, and he be dead, and She her ſelf be innocent; yet let her faſt three Years, and ever lament her Miſdeeds. 14

[m] Sir *H. S.* turns it. *If a Man beat his Wife*, and ſo on *mutatis mutandis*. I pretend not to determine what Tranſlation is moſt juſt, which is not to be done upon any certain Grounds by Reaſon of the Looſneſs of the Pronouns here uſed. But I muſt obſerve, that the Words *if he*, or *ſhe be innocent* muſt be underſtood of the Party ſlaying, and in Relation to the keeping the Bed undefiled, not to the Murder, for without this Suppoſition, I know not what the Particle *yet* does here.

24. If a Man wilfully kill himſelf, with a Weapon, or thro' any Inſtigation of the Devil, it is not allowed to ſing Maſs for ſuch an one, nor that his Body be committed to the Earth with Pſalmody, nor that it be buried in an Holy Place; the ſame Doom belongs to him that loſeth his Life as a Puniſhment for his Crimes, that is the Thief, and Murderer, and Traitor to his Lord. 15

16. 25. If one defile himself with a Beast, or one Man with another, if he be twenty Winters old, let him fast fifteen Winters. If the Man hath a Wife, and be forty Years old, and practise such a thing, let him desist, and fast during Life. And he is not to presume to receive the Lord's Body till the time of his Death. The Young, unknowing Man that doth such a thing shall be severely scourged.

17. 26. Let the Wife or Husband that breaks Wedlock, fast thrice a Week on Bread and Water for seven Years.

18. 27. He that relinquisheth his Wife, and taketh another Woman breaketh Wedlock. Let none of those Rights which belong to Christians be allowed him, either during Life, or at his Death, nor let him be buried with Christian Men: and let the same be done to a [delinquent] Wife: And let the Kindred that were present at the Contract suffer the same Doom, except they will first be converted, and earnestly make Satisfaction.

19. 28. Let no Priest perform any Rights belonging to Christians, to him that hath a Wife and a Concubine, except he will be converted so as to make Satisfaction: whether it be a Wife or a Concubine, let him be under the same Restraint.

20. 29. If a married Man defile the lawful Wife of another, or a Wife [lie] with another Woman's lawful Husband, let [them] fast seven Years: three in Bread and Water, and four as the Shrift directs. And let them ever bewail their Crime.

21. 30. If any Woman takes two Brothers for her Husbands, one after the other, [a] let them be parted, and be very diligent in their Satisfaction, so long as they live, according as their Shrift directs. But at their Departure, let the Priest perform the Rights of Christians to them, if they promise, that they

[a] Sax. to--to man hi.

hey would lengthen their Satisfaction, if they might ive longer.

31. If one continue in ſuch unlawful Marriage 22.
:o his Lifes End without Ceſſation, we know not ıow to reſolve upon any Determination, but that t be [b] reſerved to the divine Doom. They cannot ıe abſolved.

[b] Sax. æt Godes dom gelang. *Differatur ad Judicium Dei.* Somner.

32. If a Woman be married, it is not allowed 23.
hat any other Man bereave [the Husband] of her. f any one do it, let him be excommunicated.

33. If one by his Subtilty force a Woman, or 24.
Maid to unrighteous Copulation, againſt her Will, et him be excommunicated.

34. If one ſeduce another Man's Domeſtic from 25.
ıim for carnal Purpoſes, with his [c] Gins, and lies vith her againſt her Will, if he be an Eccleſiaſtic, :t him forfeit his Orders, if he be a Layman, let ıim be excommunicated from all things that be-ɔng to Chriſtians.

Z 3. 35. If

[c] Sir *H. S.*'s Tranſlation, ſuppoſes that an Eccleſiaſtic might harm a Woman with Locks of his Hair, whereas he was :ally to have his Hair ſo ſhort, as to have no Locks pro-erly ſo call'd. And the Picture of any old Eccleſiaſtic ſill ſufficiently prove, that their Hair could never ſtrike he Fancy of a young Woman: Therfore I rather under-:and the Word *Loccum* of ſome trickiſh Lock or Bolt, ·hich any one could ſhut, but none excepr the Perſon ıat was well acquainted with it could open, and by ·hich Men given to vitious Amours might make young Vomen their Priſoners.

Since my writing this I have found the firſt Words of his Canon tranſcribed out of an *Oxf.* MS. by Mr. *Wan-ey* in his Catalogue p. 53 *ad calc.* ſave that for *loccum*, e has lot-ppencum, and tho' Mr. *Somn.* paſſes over his Place in his Annotations on Sir *H. S.* yet he has ræt-ppencaſ in his Dictionary, and turns it *verſutiæ*, &c.

26. 35. If any Maid be betrothed, and in the mean time be taken captive, or by some Occasion driven away from him to whom she was betrothed, and it happen that she comes into the Sight of him, they may remain together for the Future. For she was absent from him against her Will.

27. 36. If a religious Woman turn herself to secular Vanity, and betake herself to the Retinue of some Family, and thinks that with her Wealth she may make Satisfaction for having incurr'd the Divine Wrath, this is nothing: but let her forsake her carnal Life, and live as her Shrift directs her, and diligently make Satisfaction for her Crime.

28. 37. If a Mass-Priest, or a Monk kill a Man, let him forfeit his Orders, and fast ten Years on Bread and Water, and for five [Years] three Days in the Week, and on the other Days let *him injoy* his Meat, but ever lament his Crime.

The Deacon eight Year, [five] in Bread and Water, the [d] other—.

[d] Q. of the Word cujum.

The Clerk six Years, four in Bread and Water.

The Layman five Years, three in Bread and Water—as above.

29. 38. [e] If one slay an Ecclesiastic, or his own nearest Kinsman, let him leave his Country and Estate, and do as the *Pope* directs, and ever lament it.

[e] This was a Case in other Places reserved to the Bishop only in this Age. But *Dunstan* was a flaming Papalin, and to make some amends to the Clergy for depriving them of their Wives, he made the murdering of their Persons more penal than it was before. It seems to have been an hundred Years at least from this time, before this Practice took Place in other Countries.

30. 39. If a Mass-Priest, or Monk practise Uncleanness, or break Marriage, let him fast ten Years, and

and ever lament it. A Deacon ſeven, a Clerk ſix, a Layman five, [f] as before.

[f] So *Som.* f. ꝼꝼa beꝼoꝼ See *Can.* 37.

40. If a Maſs-Prieſt, or a Monk, or Deacon had a lawful Wife before he was ordained, and diſmiſſes her, and takes Orders, and then receives her again [g] by lying with her, let every one of them faſt as for Murder, and vehemently lament it. 31.

[g] *Per concubitum*, Som.

41. If a Maſs-Prieſt, or Monk or Deacon, or Clerk, or Layman lie with a Nun, let them faſt as thoſe of their Rank ought to do for Murder, and ever forbear Fleſh; and let the Nun [faſt] ten Years as the Maſs-Prieſt, and ever lament it. 32.

42. If any Man would lie with a Nun, and ſhe refuſe, or with the lawful Wife of another, and ſhe refuſe, let him faſt one Year in Bread and Water, for his unlawful Deſire. 33.

43. If any Man would lie with another Man's lawful Wife, and ſhe refuſe, let him faſt [h] three *Lents* in Bread and Water, one in Summer, a ſecond in Harveſt, a third in Winter. 34.

[h] Ther were of old for ſome time, and in ſome Churches, particularly in the *Engliſh*, or rather among the more ſuperſtitious Part of the People, three *Lents* obſerv'd, beſide the great one before *Eaſter*, viz. before St. *John Baptiſt*'s Nativity, *June* 24. in Summer, before the Aſſumption of the Virgin, *Aug.* 15. in Harveſt, and *Advent* in Winter; but they were not Faſts of forty Days.

44. If a Man deſire to lie with [any] Woman unlawfully, let him faſt forty Days on Bread and Water. 35.

45. [i] If one ſteal another Man's Daughter, let him make Satisfaction [k] to [her] Friends, and let them 36.

[i] Literally. *If one bereave another Man of his Daughter.*

[k] *Cum puella amicis*, Som.

them both fast on *Wednesday* and *Fryday*, for one Year, and on other Days enjoy their Meat without Flesh, and let them be lawfully married,

37. 46. If one defile himself with a Beast, let him fast fifteen Year, eight in Bread and Water, and for [the other] seven Years [let him fast] three *Lents*, and on *Wednesday* and *Fryday*, so long as he lives, and ever lament the Crime.

38. 47. If one wilfully defile himself, let him fast three Lents for three Years, every Year in Bread and Water, and forbear Flesh every Day but *Sunday*.

39. 48. If one destroy another by Witchcraft, let him fast seven Years, three in Bread and Water, and the [other] four Years, three Days in a Week in Bread and Water, and ever lament it.

40. 49. If one drive a [1] Stake into a Man, let him fast three Years in Bread and Water, but if the Man be dead by means of the staking, then let him fast seven Years, as is here written, and ever lament it.

1 For Sir *H. S.*'s ſæcan, and ſac. Mr. *Som.* puts in his Margin ſtac, and ſtacunge. It is none of his own Conjecture; for then he would have explain'd his meaning. But it was a MS. Reading, which he had not with himself determin'd how to translate, and therfore says nothing. I only guess from the Similitude of the ancient and present Name, that it signifies a *Stake*. It is certainly a magical Phrase, for the foregoing and following Canons are against Witchcraft. Witches are said to burn, or run Pins and Nails into others by performing those Actions upon the Images (made of Wax or Clay) of the Persons whom they would hurt. By the same Way, and according to the same Way of Speaking, they might drive Stakes into them.

41. 50. If one by Witch-craft cause love in another, and give it him either at Meat or Drink, or by Charm,

Charm, [m] so that by this means their Love is increased; if it be a Layman, let him fast half a Year on *Wednesday* and *Fryday*, and on other Days enjoy his Meat, excepting Flesh: if it be a Clerk, let him fast a [whole] Year, as above in Bread and Water, the Deacon three Year, as above: the Mass-Priest five Year, two in Bread and Water, and then for four Years every *Fryday* in Bread and Water, and let him forbear Flesh on other Days.

[m] Mr. *Som.* here adds to the Text, þ hina luſe ſoþþon þe maþe beon ſcyle.

51. If any one foully defile himself with any thing against Nature, contrary to God's Creation, let him lament it so long as he lives in Proportion to the Fact. 42.

52. If one in his Sleep overlay his Child, so that it is dead, let him fast three Years, one in Bread and Water, and for the [other] two Years three Days a Week, and if it were thro' Drunkness, let him make deeper Satisfaction, as his Shrift directs; and ever lament it. 43.

53. If a Child being sick die a *Heathen*, and [a] it were along of the Priest, let him forfeit his Orders, and earnestly make Satisfaction, if it hapned thro' Neglect of Friends, let them fast three Years, one in Bread and Water, the two [other] Years, three Days a Week. 44.

[a] Sax. on Þreorc ȝelang ſy. *Ex procrastinatione, vel mora Sacerdotis*, Som.

54. If one sell a Christian Man into an *Heathen* Country, let him be uncapable of any thing that belongs to Christian People, unless he redeem him whom he had sold abroad; if he cannot do that, let him distribute the whole Price of the Man for God's Sake, and buy another with other Mony, and then set him at Liberty, and add thereto three 45.

Years

Years Satisfaction, as the Shrift directs. And if he hath no Mony to buy a Man with, let him make the deeper Satisfaction.

46. 55. If a Man have undone himself with manifold Sins, and afterwards, be willing to desist from them, and earnestly to make Satisfaction, let him betake himself to a Monastry, and there diligently serve God and Man for ever, as he shall be directed, or let him travel abroad far from his own Country [in Pilgrimage] and ever be making Satisfaction so long as he lives, and so recover his Soul: or at least let him make the deepest Satisfaction in [his own] Country, that he can come to the Knowledge of, according as he shall be informed.

Sir *H. S.* Vol. 1. p. 468.

Of Satisfaction for Sin.

1. 56. The necessary Assistance of a Man of God, is very effectual for [the Cure] of Sin in Penance: even as the Recovery of a sick Man is [what depends] on a good Physician.

2. 57. Men are full often [b] abundantly guilty thro' the Impulse of the Devil; but this is horrible, that Ecclesiastic Men are so exceedingly guilty before God as to vitiate their Orders.

[b] Lyrtlice, not Lyrt---

3. 57. And ther ought in this Case [c] to be a rigid Satisfaction for Sin, yet always [d] according to the Quality of the Person, and the Guilt, agreeably to Canonical Discipline; and diligent Enquiry ought to be made for it in Proportion to the Power and Quality of the Man, and his voluntary Contrition of Heart. Let some make a Years Satisfaction, some several Years; and again according to the Degree of the Guilt, some a Month's Satisfaction, others,

[c] I read to-beon not bote.

[d] be, not he *Som.*

others several Months; some a Week's Satisfaction, others several Weeks; some one Day's Satisfaction, others several Days; and some, all the Days of their Life.

58. The Physician that is well to cure a sore Wound, must use good Salve: Ther are no Wounds so bad as those of Sin: because, by means of them a Man incurrs eternal Death, except by Confession, and Abstinence, and Satisfaction he be cured. 4.

59. Then the Physician that is to cure these Wounds must be [e] wise and wary. They must principally be cured with good Doctrin; and by that means bring it to pass, that the Poison that is within them be cleansed away; that is, that he first clear himself by Confession. 5.

[e] ꝓꝟ, not ꝓꝟ. *Somn.*

60. All Men shou'd wipe away their Sins thro' good Doctrin with Confession, even as a Man does Poison by a good Potion. 6.

61. Nor can any Physician work a good Cure till the Venom is out, [f] nor any Man direct them to Satisfaction, who refuse to confess; nor can any Man make Satisfaction for Sin without Confession: Much more can he be well healed, who hath taken Poison, except he cleanse it well out. 7.

[f] Here is an unnecessary repetition of some words in Sir *H. S*'s Text. *Somn.*

62. After Confession a Man may soon merit God's Mercy, by Satisfaction; if he do with inward Heart grieve for what he is repenting of, *viz.* that he thro' impulse of the Devil ever committed Evil. 8.

63. Discreet Satisfaction is of very great moment in Penance, as necessary Medicine also is in a good Physician; and enquiry must be made for it in proportion to Mens [Evil] Works, according 9.

to

to Canonical Discipline: and it must be temper'd according to Mens Strength, and in proportion to the contrition of Heart, and the voluntary earnestness that is perceived in them.

10. 64. Deep Satisfaction is this, that a Lay-man lay aside his Weapons, and travel far away, and not be a second Night in the same place, and Fast, and Watch much, and Pray earnestly Night and Day, and wear Woollen, and be Unshorn, so as that no Iron come upon his Hair, or Nails.

11. 65. That he come not into a warm Bath, nor a soft Bed, nor taste any Flesh, nor any thing that is intoxicating, that he come not within a Church (tho' he zealously enquire after Holy Places) and declare his Guilt, and earnestly beg Prayers for himself, and kiss no body, but be always vehemently bewailing his Sins.

12. 66. Let him that thus condemns himself, proceed in a Penitential manner. And happy is he, even if he awake no one else [to do the same] in that he is making full Satisfaction: forasmuch as ther is no Man in the World so involv'd in Sin, but that he may make Satisfaction to God, so that he undertake it in earnest.

13. 67. Satisfaction for Sin is injoin'd in several Modes, and much of it may be redeem'd by Almsdeeds.

14. 68. Let him that hath Riches rear Churches to the Praise of God, and endow them according to his Abilities, and give them Lands, and let [g] Inferior [Clergy-men] be brought thither, there to officiate for him, and daily to minister to God; and let him repair God's Churches every where, accor-

[g] ȝeonȝe-men, says Mr. *Somner*; which he renders *Vicarios*, *Substitutos*. I conceive he could not mean *Vicars*, in the present sense of the Word: for ther were not yet any Impropriations. But the word signifies any *Inferiors*. *See Sir* H. S.'s *Gloss. Juniores*.

according to his Abilities; and let him repair the publick Roads, with Bridges over deep Waters, and foul Ways; and diligently distribute what he has for God's Sake, according to the utmost of his Power. Let him assiduously relieve the Poor, the Widow, the Step-child, the Stranger. Let him free his own Slaves, and redeem Slaves from other Men in order to free them: and especially let him take Pity on such as are plundred, and give Meat and Cloths, and House-room, Firing, Bath, and Bed to them who want it, and let him diligently for his own Benefit procure on all Hands the Assistance of Prayers in Masses and Psalmody; and chastize himself very severely with Abstinence from Meat and Drink, and every bodily Lust.

69. And further, if he be one of less Substance, 15.
ler him diligently do what he can according to his Power. Let him pay Tithes of all that he hath in [h] Devotion to God; and travel as often as he can, and frequent the Churches with his Alms, and salute Holy Places with his [i] Light, and give Hospitality, and Meat and Protection to them that want it; and afford Fire and Food, and Bed and Bath, and Clothing and Succour to Poor Men, if he can do it in any Measure.

h ert not ert. *Somn.* And the same Correction is to be made in one or two places more.

N.B. This was a voluntary Tithing of all a Man's Estate, not a Tithing of the Fruits of the Earth yearly renewing.

i Lamp, or Candle.

70. Let him visit the sorrowful and sick with 16.
Relief, and bury the Dead in Devotion to God, and kneel down often in secret, and often vehemently extend his Limbs on the Ground, and fast, and watch, and pray full oft, and earnestly by Day and Night,

And

And let him who hath yet less Ability do according to his Condition what he can: at least let him afflict his Body by Way of Retaliation for Lust. If he formerly obsequed the Devil thro' Effeminacy, now let him fast by Way of Retaliation for what he hath unrighteously committed thro' Intemperance. Let him watch and labour by Way of Retaliation for his former frequent oversleeping and Sloth, when he ought not; and of his immoderate Waking to vain Purposes. Let him endure the Cold, and the Cold-bath by Way of Retaliation for that Self-Indulgence, which he hath at any time committed. And if he hath [k] wilfully offended any Man any where by Wrong-doing, let him diligently make Satisfaction. And if any Man hath provok'd him to be angry, let him with all his Might make Satisfaction [for his Anger] such as may be sufficient by Way of Retaliation for every Sin, which thro' a Diabolical [l] Principle was formerly rife within him. And if he hath carried any Man beside himself out of the Way, let him endeavour to bring him into it again; what [m] I mean is, if he hath seduced any Man to Sin, let him reclaim him, as it greatly concerns him, and lead him into his right Way.

[k] ȝeþealcer, not þeolcre.

[l] þæs not, þæs. *Somn.*

[m] By this one wou'd think these Canons were drawn by some single Prelate, as Sir *H. S.* seems also to hint.

17. 71. The Man who is willing uniformly to desist from his Sins, and to make Satisfaction for them may with his Shrifts Advice pass this Sentence on himself. Let him distribute all that he hath in Devotion to God, and wholly relinquish all, his Home and Country, and all that he loves of this World, and serve his Lord, Day and Night, and belabour himself as much as possibly he can by Way of Retaliation

taliation for his Luſt, all the Days of his Life. What can he do more, but to reduce all Men to right, as well as himſelf, ſo far as in him lies?

Here let us declare how infirm Men may redeem their Faſting.

72. One Day's faſting may be redeem'd with a Peny, or with two hundred Pſalms. A Year's Faſting may beredeem'd with thirty [a] Shillings, or [b] with freeing a Slave that is worth that Money. A Man for one Day's Faſting may ſing [c] *Beati* ſix times, and ſix times *Pater Noſter*. And for one Day's Faſting let a Man bow down to the Ground with *Pater Noſter* ſixty Times. And a Man may redeem one Day's Faſting, if he will proſtrate himſelf on all his Limbs to God, in Prayer, and with ſincere Grief, and ſound Faith ſing fifteen times [d] *miſerere mei Deus*, and fifteen times *Pater Noſter*; and then his Penance for the whole Day is forgiven him. 18.

73. A

[a] It ſeems evident that the Shilling here mentioned contained Twelve-pence, for the Redemption of the Faſting was at the rate of a Peny a Day, and twelve times thirty is 360, the odd five Days coming not into the account.

[b] In King *Ina*'s Time a Slave was worth ſixty Shillings, or fifty at leaſt. See his Laws, 693, N. 3 and 8, now the common Price was thirty Shillings, and therfore by freeing one of them, but one Year's Faſting was diſcharged at a Peny a Day. By this one wou'd, *primâ facie*, apprehend, that the Devaſtations of the *Danes* had ſo leſſened the Coin of the Nation, as to increaſe the value of it by one half. And ſee 950. No. 24. to the ſame purpoſe. Yet if the Shilling did now contain Twelve-pence, as I have obſerved at *Note* [a], and if the Peny were ſtill the ſame, then thirty of *Edgar*'s Shillings were worth above ſeventy of *Ina*'s.

[c] The CXIX Pſalm.

[d] The LI Pſalm. The Reader will obſerve, that ther is no mention of *Ave Maries*, or Prayers to any Saints.

19. 73. A Man may complete seven Years Fasting in twelve Month, if he sing every Day a Psalter of Psalms, and another in the Night, and fifty in the Evening. [e] with one Mass twelve Days Fasting may be redeem'd; and with ten Masses four Months Fasting may be redeem'd, and with thirty Masses twelve Months Fasting [may be redeem'd] if a Man will intercede for himself, and confess his Sins to the Shrift (with a sincere Love of God,) and make Satisfaction as he directs, and diligently cease from them for ever.

[e] One wou'd think by this, that Twelve-pence was now the stated Price of a Mass. For a Peny was a Commutation for one Day's, and one Mass for twelve Days. But if one of their Pence was three of ours, then one of their Shillings was three of ours. I am assured that the Price of a Mass is under Twelve-pence of our present Money. Upon the whole we may well say, nothing so uncertain as the value of old *English* Money before the Conquest.

Of very Wealthy Men.

20. 74. [f] Thus may a very wealthy Man, and one that abounds in Friends make his Satisfaction much more easy by the Assistance of his Friends. First in God's Name, and under the Testimony of his Shrift let him manifest his sound Faith, and forgive all that have sinn'd against him, and perform his Confession without any Balks, and promise to desist, and make Satisfaction with Weeping and Wailing.

[f] Compare this with Can. 27. of *Cloveshoo* 747. And see the degeneracy of Discipline.

21. 75. Then let him lay aside his Weapons, and all his vain Pomp, and take his Staff in his Hand and let him seriously walk Barefoot, and put woollen [g] on his

[g] I take l'haipan here to be the addition of some *Norman* Hand, and the l' shews it so to be.

his Body, and not go into Bed, and do it seven Years by Tale. Let it thus be completed in three Days. First, let him take to his Assistance twelve Men, and let them fast three Days in Bread and raw Herbs and Water; and let him by all possible Means procure seven times an hundred and twenty Men to fast for him three Days, then are ther as many Fasts kept as ther are Days in seven Years.

76. When the Man fasts, let him distribute all the Entertainment, which he himself should have injoy'd to all God's Poor, and let him lay aside all worldly Business for the three Days of Fasting, and frequent the Church Night and Day, as oft as possible, and watch there with Alms-light, and call on God, and pray earnestly for Forgiveness, with Weeping and Wailing, and often kneel before the Sign of the Cross; and sometimes in an erect Posture, sometimes prostrating himself on the Ground. And let the Great Man diligently learn to shed Tears from his Eyes, and to weep for his Sins; and let him feed as many Poor as possible, for those three Days, and on the fourth Day let him bathe them all, and distribute Provision and Money; and in his own Person make Satisfaction for his Sins, by washing of their Feet. And let Masses be said for him this Day, as many as can possibly be procured: And at the time of the [h] Masses let Absolution be given him, and then 22

 let

[h] æt þæper ivemærtan, *at the last of them.* Somn. I cnn give no account how it shou'd come to pass, that the Absolution here is directed to be given after the Penance was done: It is evident that in this Age Absolution was generally given so soon as the Offender submitted, and promised to do injoined Penance. I can give no Account I say how it came to be otherwise order'd here, unless it may be supposed, that *Dunstan* translated these Canons from some old *French* Copy written before this new Practise of giving Absolution before the Penance was performed

performed, did yet prevail. It is evident from the Canon of *Cloves-hoo*, that this Sham-penance was an Invention of two hundred Years standing before *Edgar*'s Reign: and it was probably of *French* Original; from thence *Dunstan* brought over this fantastic Mode, and blindly followed his Author, without making such proper Variations as Change of Times and Things required.

let him go to Housel, [1] unless he be yet involved in so much Guilt, as that he ought not to receive it; at least let him promise that he will always from that time forth do the Will of God, and desist from the contrary by the Divine Help in the best Manner that he ever can; that he will retain Christianity, and wholly abandon all *Heathenism*; and rectify Mind and Manners, Word and Work with all Diligence; that he will advance all that is right, and destroy all that is wrong, thro' the Help of God, as earnestly as he can. And he who performs what he promises to God does it to the best Advantage in his own Person.

[1] Strange! that any Doubt should be made whether he who had done seven Years Penance, and received Absolution, were fit for the Communion. It is evident that the Author of this Mock-penance did not put Trust in his own Invention. See the next *Canon*.

23. 77. This is that Softning of Penance, which belongs to Wealthy Men, and such as abound in Friends; but one in a lower Condition cannot make such Dispatch; but therfore he must pursue it in his own Person with the greater Earnestness. And it is most righteous, that every one revenge his own Crimes on himself by diligent Satisfaction; for it is written, *Every one shall bear his own burden.*

The Story of King Edgar's *deflow'ring a Nun of* Wilton *is well known; by this he incurred seven Years Penance, as in case of Murder, by the* 41st *of the foregoing Canons: And our Historians say, that King* Edgar

gar *did accordingly submit to the seven Years Penance, which was enjoined him by* Dunstan. *And if* Dunstan *accepted of such a Mock-Penance as is described in* Can. 75. 76. *it was no hard matter for the King to perform it. He not wearing his Crown during those seven Years, was a more bold and unreasonable Injunction on* Dunstan's *Part, and a much greater Mortification to the King himself. An Earl of King* Edgar's *also fell under* Dunstan's *Censure for an Incestuous Marriage. Neither the King, nor the Pope could prevail on* Dunstan *to give him Absolution, till the Earl, in the Habit of a Penitent came into a Synod called by* Dunstan, *and threw himself down at the others Feet, and craved, and received Absolution: But notwithstanding this, he was, according to the Method of that Age, to do his Penance: and the Method above described was an easy and compendious way of doing it. It must be owned, that this was an abominable Corruption of Discipline; yet not so great a Corruption, in my Opinion, as the want of all Discipline against Mighty Offenders.*

A. D. DCCCCXCIV.

THEODULF'S Capitula.

The Capitula of an unknown Bishop, as Sir H. S. *calls them, following those of* Elfric *in the* Bennet MS.

PREFACE.

IF the following Capitula were to bear the Date of their first Author, I must have placed them near 200 *Year backward; for they were composed in Latin by* Theodulf, *who was prefer'd to the See of* Orleans *in* France, *toward the latter End of the eighth Century.* Baronius *puts them in the Year* 835, *which is too late by far, you have them also in the* 7th *Tome of the Councils. But I insert them here not as a* Latin *or* French *Composition, but as the* English *Translation of an old* Saxon *Translation, made undoubtedly by the same* Elfric, *whose Charge or Canons I have given to my Reader at the Year* 957. *These I presume were translated by* Elfric *for his own Use, when he was advanced to the See of* Wilton, *in the Year* 994, *or at farthest the next Year, when he became Archbishop of* Canterbury. *Sermons, which he confesses to be Translations from the* Latin.

N. B. *The Reader will not wonder that he finds these Capitula among the National and Provincial Laws, and Provisions, when he considers that tho' it was first composed for the Diocese of* Orleans; *yet it was so regarded*

garded by those of other Sees and Churches, as that Part of it is still extant in the papal Decrees; and ther is Reason to believe that it became a common Form to be used by Bishops in the Synods, or Chapters of their Clergy, both in France *and* England, *to say nothing of other Nations.*

A. D. DCCCCXCIV.

I conjure you, most beloved Brethren, that with a wakeful Diligence ye study the Practice of good Works, and the Satisfactions for Sins of the People that are subject to you; how ye may always most plainly teach them the Way to eternal Salvation both by your Doctrine, and by the Example of the right Life: that both you by their Improvement, and we by your Diligence producing the Fruit of Vertue acceptable to God [a] may bring forth the Profit of that Commission which is from us.

[a] Sax. bringan of ur þæne berærtan nyttre. So I distinguish the Words and render berærta Commission: but this is a conjectural Version; I dare affirm it to be as just a Version of *Elfric*, as *Elfric*'s was of *Theodulf*, but these Words seem to have nothing that answers in them in the Original.

And I earnestly charge you Brethren [b] that ye often read over these few Directions which we for our common Benefit have gather'd out of Holy Books, and that you carefully preserve them in your Memories; and adorn and amend your Lives by daily reading Holy Books, and by the practising of good Works; and labour with the Help of God for the Heavenly Kingdom together with the People subject to you.

[b] ȝe not te *Som.*

1. Ye ought to know and always to bear in

Mind, that the Care of God's People is without doubt intrusted [c] with us and the Government of their Souls; that we shall justly be punish'd at Dooms-day for all those that perish thro' our Neglect; and that we are to receive the Reward of Eternal Life for them that we have gain'd to God with our Example and Doctrine. To us it is said by our Lord, *Ye are the Salt of the Earth.* If then Christian People are God's Meat, and we the Salt; then shall the People by the Divine Assistance by our means be with Pleasure enjoyed by God. And ye ought to know, that your Order is the second after ours and the next to us. As the Bishops are in the stead of the Apostles in the Assembly of the Saints; so are the Mass-Priests in the stead of Christ's Disciples. The Bishops have the Order of *Aaron*, the Mass-Priests the Order of his Sons; for it behoves you always to be mindfull how [d] high the Dignity of the Order [is,] and the Consecration, and the anointing of your Hand, which ye received from the Bishop when ye took Orders; that ye may never forfeit so high a Favour, and never defile, by sinning the Hands that have been anointed with so Holy an Unction; but that ye keep your Heart and Body in Purity, give all People an Example to live well, and teach those over whom ye are, the right Way to the Kingdom of Heaven.

c þiþ not þeþe.

d I read heahlic, or healicne ȝeþincþnesse. Here *Som.* has in the Margin *hæres.*

2. It behoveth you to read the Holy [e] Book, and to pray often, for the Life of a Righteous Man is inclin'd and strongly bent to God-ward by reading of Holy Books; and it is beautified by Prayer. Accordingly *David* says, *Thy Word have I hid*

e bec or boc not beȝ.

hid within my Heart, that I might not Sin against Thee. These are clearly the Weapons with which the Devil is overcome; these are the Instruments by which we may gain the Kingdom of Heaven, by these Weapons every Vice is quell'd, and with this Food every Virtue is cherish'd and improv'd.

3. At that time on which you lay aside the reading of Holy Books and Prayers, ye ought to take up some [f] profitable worldly Work, for Idleness is the very Fiend of the Soul; and the Devil soon brings them into some Vice, whom he finds unimploy'd in every good Work. By the [g] habitual reading of good Books you may learn how yourself may come to the Kingdom of Heaven, and also how to teach it to others. By Prayers ye may be very helpful both to yourself and others, with whom you are united by a sincere Love, as well living as dying. By handy Work ye may subdue the Bodies, so that they be more slothful in Vice; and by good Works ye may provide wherewithal to help the Poor and Indigent, and such Men as have not ability to Work.

[f] Nýtlic not Nýtlıt.

[g] ȝeþunan not —þunan. *Som.*

4. When the Bishop requires a [h] Gemot, take with you such a [i] Vestment for the Mass, such a

[h] *Synodus* is not only a Translation, but Explanation of ȝemote. By this Canon it shou'd appear, that Priests in Synod were obliged to give a Specimen of their Abilities in performing Divine Offices before the Bishop, which was a very commendable Practice; or perhaps he means a concelebration of Masses, that is, the Priests joining with the Bishop in pronouncing the words of the whole Service.

[i] This Practise long continued in some Places at least. In the Year 1521, *John Rumpain* Rector of *Willingham*, was absolved from an Excommunication incurr'd for appearing at a Synod without his Surplice, contrary to the Decree of the Commissary of *Ely*. *See Sir* H. S. *V.* 2. *p.* 731.

Book, such Housel Vessels, and such Conveniences as may serve for the Ministrations committed to you, and two or three Priests, or as many Laymen to [k] make the Responses; that they, with you, may worthily solemnize the Holy Service; that so it may appear how earnestly and diligently you perform your Ministrations to God.

[h] to þeninꝫ cryðpa. So I read by conjecture.

5. And we charge you, That the [l] Oblation which ye offer to God in that Holy Mystery, be either baked by your self, or by your Servants, in your Presence; and that ye know that it be done in Purity and Chastity; and that both the Oblation, and the Wine and the Water, that belongs to the Offering in the Mass-Song, be provided, and regarded with all Purity and Diligence, and with the Fear of God; and that nothing be done unchastly or impurely; for there can be no Mass-song without these three things, *viz.* the Oblation, the Wine and the Water; as the Holy Writ says, *Let the Fear of God be with you*; and do all that is here with great Carefulness. [m] The Wine betokens the Lord's Sufferings, which he indur'd for us; the Water the People for which Christ shed his Blood.

[l] The Bread in the Eucharist is often call'd, *The Oblation*, by the best Christian Writers.

[m] This following Clause is not in *Theodulf*: and it is very probable it was added by *Elfric*, who seems to have guarded their Clergy and People against all Notions bordering upon Transubstantiation, with all possible diligence.

6. We charge that at the time when the Priest sings Mass, no Woman be nigh the Altar, but that they stand on their own Place, and that the Mass-Priest there receive of them what they are willing to offer; a Woman should be mindful of her

her own Infirmity and the Weakness of her Sex; and should therfore dread to touch any of those Holy Things that belong to the Ecclesiastical Ministry. And Lay-men should also dread this, least they deserve such a Punishment as *Uzza* did, when he would bear up the Ark of the Lord, for then he was soon struck dead by God.

7. Mass-Priests ought by no means to sing Mass alone by themselves without other Men that he may know whom he greets, and who answers him. He ought to greet the By-Standers, and they ought to make the Responses. He ought to remember the Lord's Declaration in his Gospel, He saith, *wheresoever two or three are gathered together*, &c.

8. [a] We often see Corn, Hay, or any such like worldly thing kept in the Churches. Now we will not that any thing be kept there, but what belongs to the Ornament of the Churches that is the Holy Books, the Housel Vessels, the Mass Vestments; and the Furniture of the Churches as to all Particulars whether in Vails or Implements; lest if we [do] otherwise it be said to us as it was to the *Jews, my House shall be call'd*, &c.

[a] Observe, That there is no mention of Images in the Instruments and the Furniture of the Church, well nigh, or altogether 200 Years after they had been used in the Church of *Rome*, as well as elsewhere: not but that they were now had, and honoured too much in *England*; but because *Theodulf*'s Original made no mention of them: and *Elfric* had not so great a Zeal for this practise, as to make any Additions of his own upon this Head.

9. It has been an old Custom in this Land, [b] to bury dead Men within the Churches, and Places hallowed, and bless'd to the Service of God; to

[b] dele lan. *Somn.* Presently after read ꝑapon, not þæꝑ—. *Somn.*

to make Oblations to him have been made burial Grounds. Now for the future, we will that none be bury'd in Churches but he that is in [c] Holy Orders; or farther a Lay-man so righteous (as is known by his careful Living) as to have deserv'd such a Place of Rest for his Body. Nor yet is it our Will that Corpses buried in Churches be thrown out but the Risings of the Graves there. That Men [chuse] [d] one of these [two], either to bury them deep [e] in the Ground, or at least to [f] make a way over them, and to make the Floor of the Church even and convenient, that no Risings of Graves be seen or be there. If in any Place there are so many Risings of Graves, [g] that this is difficult to be done, then let it remain for a burying Ground, and let the Altar be taken away and set in a clean Place, and let a Church be there rais'd, where Men may offer to God in a worthy and pure Manner.

[c] Sax. ðacepð seems not to signify a Priest only but any ordain'd Person as distinguish'd from the Laity.

[d] here I follow *Som.* oþer þana one of the twain.

[e] I conceive that it appears from hence that Corpses buried in Churches were not laid several Feet under Ground as now, but that the Body was laid on the Floor, or perhaps on Stones rais'd upon the Floor and covered over with other Stones: and of this Practise many Instances are yet to be seen in ancient Churches, especially Cathedrals. ðeon not þeon.

[f] oþen-þnege *Som.* I don't understand this.

[g] Churches must have been very indifferent Structures, when it was in some Cases more difficult to make even the Floors, than to erect a new Fabric; eaþfoþlic not eaþþr--- And I think it is agreed that few or no Churches in this Age were built of Stone, but generally of Timber.

10. Nor is it fit that Men should go to Church for any other Purpose but for Prayer and the Love of God; therefore we forbid both Quarrelling, and Playing, and all unbecoming Words. And [we forbid]

bid] every thing that even is [h] becoming to be done in the Holy Place excepting two [*viz.*] there is God's Name often to be call'd upon, and the Holy Mystery to be offered in the Mass-song. There is no doubt but the Presence of God's Angels is there, [and] he himself full near. And therfore it is very dangerous to do or say any thing in the Holy Places which befits them not. Since our Lord threw those Men out of his Temple that bought or sold there what they offer'd to God; how much more thinkest thou will he cast those thence with Indignation, who pollute and defile the Places hallow'd to the Service of God, with lying and undecent Speeches, and immoderate Laughter, and with any Misdeameanours.

[h] unnyc *Som.* but by Mistake.

11. Moreover it is not lawful to sing Mass in any Place but Churches, not in Houses, nor in any Place [i] but what God hath chosen (as it is written, *offer not thy Sacrifice in every Place that thou seest, but there, in that Place that God chuseth for that Purpose to place his Name there,* [k] except it be in the Army; then let a Tent be had to this only [Use,] and a hallow'd Altar, and on that let the Ministration of the Mass-song be accomplish'd.

[i] þæn þæn, not þæt ræn *Som.*
[k] The following Clause is not in *Theodulf.*

12. Nor is it lawful for any Woman to dwell in the House with a Mass-Priest, tho' the Canons have allow'd it to a Mother or Sister, and Persons whom one [l] dares not suspect of any thing that is infamous; yet we forbid it to all Women; because if their Kinswomen are there, they have other Comers and Goers who it may be fear'd will tempt the Mass-Priests to Sin.

13. And

[l] ðonrc not þonrc.

13. And it very greatly concerns every Mass-Priest to guard himself against Drunkenness; and that he teach this to the People subject to him. Mass-Priests ought not to eat and drink at Ale-Houses; nor ought they to visit the Habitations or Houses of Strangers, out of an [m] affectation of shewing their Grandeur: Nor to feast with Women or Persons of impure Lives. But if any worthy Father of a Family invite him to his House, who is willing, with his Wife and Children, to rejoice in a ghostly manner, and to accept from him spiritual Entertainment, and give him bodily Repast out of true Love; then it is proper that you visit him with a comity of Mind, and treat him with spiritual Instruction, who entertains you with the good things of this World.

[m] peregrinerij.

14. Let no Mass-Priest wheedle to his own Church a Man that belongs to the district of another Church, nor instruct him to come to his Church out of the [a] Shire, which belongs to another Priest, and to pay him the Tythes and Rights which belong to the other. But let every one rejoice over him that comes to his Church, and thank God for it; because it is written, that no Man should do that to another which he would not have done to himself, *&c.* Observe who opposes this and contemns our Instruction. Further let him incur one of these [two Punishments;] he shall either forfeit his Order, or else make rigid Satisfaction according to the Doom-book.

15. And

[a] By this 'tis evident that Bounds of Parishes were not yet settled by Law, or establish'd by Custom, and as the Diocese was called the Bishop's Shire, so the Houses and Vills next adjacent to a little Church were call'd the Priest's-Shire, just before this *Shire* is called hypnyrre.

15. And we do by all means forbid any Mass-Priest to take away a Priest who belongs to another Mass-Priest; and to entice him, or to accept him tho' he desire it; for this is strictly forbid by the Canons.

16. If any Mass-Priest be discovered to give or have given any Bribe either to a Priest, or Layman, on Account of his desiring indirectly to obtain another Priest's Church, let him be punish'd for this Rapine and violent Covetousness by one of these [two] either he shall forfeit his Orders, or make Satisfaction for it in Prison, with the longest and [b] strongest Penance according to the Doom-Book, and by the Command and Privity of the Bishop.

[b] ſtrengne not ſep.

17. If any one [c] bring a sick Child to a Mass-Priest, let him baptize it out of hand, to what Mass-Priests [d] district soever it belongs; and let him not neglect it for any [e] Dispute, from whencesoever it be, if he neglect it on any Account, let him know, that he shall be answerable to God at Doomsday for the Soul of the Child.

[c] In this Age the Priest was not called to the sick Child; but the sick Child carried to the Priest.

[d] Parish is a Word never used for the Priests Shire; nor does it appear that they had any such Word.

[e] unæmtan not unænit.

18. Let there be no Man of the [f] sacred, especially of the Lay-order, that dare presume to use either the Cup or the Dish or any of the Vessels, which are hallow'd to divine Service, for any worldly Purpose. Plainly he who drinketh any thing out of the Hallow'd Cup, but Christ's [g] Blood, which

[f] ſacepb haðcr.

[g] þe on not þon.

which is consecrated in the Mass-song; or that puts the Dish to any other Service, but that of the Altar, [h] he ought to consider, that that concerns him, as it did *Balthasar* (when he had seized the Vessels hallow'd to the Lord for his own Use) *viz.* he lost at once his Life and his Kingdom.

[h] he mæy þencan not þenan. Mr. *Somner* seems to prefer ȝenan.

19. If any Mass-Priest will put any of his Nephews, or Kinsmen, to be taught at any of the Churches [i] committed to our Custody, [k] we very readily grant it.

[i] *Theodulf*'s Latin is, *In Ecclesia Sanctæ crucis, aut in Monasteriis Sancti Aniani, aut Sancti Benedicti, aut Sancti Lifredi, aut in cæteris de his Cœnobiis*, &c.

[k] þe not ðe.

20. Mass-Priests ought always to have a School of Learners in their Houses, and if any good Man will commit his little ones to them to be taught, they ought gladly to accept them, and to teach them at Free-cost. Ye should consider that it is written, *they that are learned shine as the Brightness of Heaven; and they who persuade and instruct Men to right as the Stars for ever and ever*; yet they ought not to demand any thing of their Relations for their Learning, but what they of their own Accord are willing to give.

21. Plainly tho' all Holy Scripture be fill'd with Examples, and Instructions to good Works, and Men in the Field of these Writings may easily meet with Weapons for the overcoming of Vice, and the [l] promoting of good Works; yet it was [m] needful

[l] Fynþian not Fnyþ—

[m] Some Word seems to have been dropt here, probably þeapf, overlook'd by the Transcriber, because it begun as the foregoing þeah.

ful for us in this our Writing, to insert a Citation from a Holy Father for the promoting and teaching of good Works. In this Citation what we ought to do is said in a few Words. In the Preface a Man is commanded to love his Lord with all his Heart, with all his Soul, with all his Strength, and his Neighbour as himself. After this, that he commit no Murder, nor unlawful Copulation, that he don't steal, nor unlawfully covet another Man's things, and be not concern'd in false Witness. Also it is commanded that he honour every Man, and do that to none which he would not have done to himself, and renounce his fleshly Lusts, and follow Christ's Commands, and keep his Body pure, and do not affect worldly Pomps, that he love fasting, *feed the Hungry, cloth the Naked, visit the Sick, bury the Dead, help them that are in Streights, comfort the Sorrowful*; and always arm and defend himself, so far as he may, against worldly Words and worldly Deeds; and admit nothing within in that manner that he does the love of Christ; and that he do nothing in his Anger, that he may have an Occasion to reflect upon afterwards, have no Deceit in his Heart, and give the Kiss of Peace to none unless he have full Peace with him in his Heart, and retain Anger against no Man beyond the going down of the Sun; but forgive all those that [a] are angry at him in his Mind, e're the Sun goes down, and desist not at all from the Love of the true God and of Man; and swear not at all, least he should forswear; and always bring forth the Truth from his Heart and from his Mouth, and repay to none Evil for Evil, give no Provocation, bear that with Patience that is given to him, and love his Enemy out of Love to God: If any one curses him, he curses not again, but rather blesses;

[a] Read þe byþe. *Somn.*

bleſſes; If any have an Averſion to him, or perſecute him for Righteouſneſs Sake, he bears it with Pleaſure. Let him not be of a gluttonous Temper, nor given to immoderate Drinking, Sleeping or Eating, not too ſlow, not a Murmurer, or too ſevere in his Cenſures. Let him place all his Hope in God, and when he does what is good let him attribute that to God. For what he does or ever did that is evil, let him know that it comes from himſelf. Let him always bear Doomſ-day in his Mind, and dread Hell Puniſhments; and with all ſpiritual Eagerneſs; let him covet everlaſting Life; and let him daily conſider the laſt Day he is to live, and at all times exerciſe himſelf in doing good, and conſider that he is without doubt under the Eyes of God; and if any evil Thoughts come into his Mind, then let him forthwith confeſs them to his Ghoſtly Phyſician, that is his Shrift; And let him conſider the Sufferings of our Lord, how he who made all Creatures, out of his Humility condeſcended ſo far, that for our Behoof he [b] was hanged on the Rood, and how both his Feet and his Hands were run through with Nails, and how his Side was pierc'd with a Spear; with ſuch Meditations as theſe he may expel and baniſh all evil Thoughts out of his Mind. He ought always to reſtrain his Mouth from perverſe evil Words. He ought not to affect to ſpeak much, and little to the Purpoſe, or idle Words, which raiſe unbecoming Laughter, nor ought he to love immoderate obſtreperous Cachinnation, but with Pleaſure hear the Reading of the Holy Books, and often apply himſelf to Prayer, and daily in his Prayers confeſs to God the Evil that he has formerly done, with Tears and Groans, and beg Forgiveneſs of Him; and earneſtly pray, that he may defend him both

[c] Read ſæſ not ſæſ. *Somn.*

both from repeating the Evils, which he has formerly committed; and from all Misdeeds whatsoever: he ought not to follow his fleshly Lusts, or his own Will, but in all things obey the Command of his Teachers, tho' it be so, as that God's Will is, it should not be, *viz.* that the Teacher gives good Instructions, but Acts otherwise himself, he ought to remember what our Saviour hath said in his Gospel, *Do what they bid you to do, not what they themselves do, when they teach you what is good, but themselves act the contrary.* Nor let him desire to be call'd a Saint before he is one; but first labour to be so, that he may [c] with the better Right be call'd so. Let him daily fulfil God's Will in his Actions, let him love Purity, avoid all self Exaltation; honour the Old and love the Young with a Christian Affection, and pray for his Enemies. Let him hasten to a Reconciliation with those at Variance, before the going down of the Sun; and never [d] despair of God's Mercy. Now these are the Documents and Tools of Ghostly Craft, which if it be Day and Night indefatigably ply'd by us, and perfected by the End of our Lives, then have we that promise [e] sign'd to us, which the Lord hath declar'd and will perform at the [Day of] Recompence, *which no Eyes ever saw, nor Ear heard,* &c.

[c] nihtenlicon not ðnihten.
[d] ȝeonȳnyre. *Somn.*
[e] ȝeoneð not ȝeomeð.

22. All Believers in general from the least to the greatest are to be reminded, that every one learn the Lord's Prayer and the Creed, and he is to be told and to observe, that on these [f] Two is the Ground Work of the whole Christian Belief. And unless one can sing both these, and so believeth

[f] tweȝer not tweð---.

as he there saith, and prays often for himself, he cannot be a good [g] Christian. It was an ancient Constitution, that none who did not know the *Credo* and *Pater Noster*, should be Surety for any one either at the Bishop's Hand, or at Baptism; and that none should [h] support such an one at his receiving Baptism or being bishop'd; unless he were one that was not of Age to learn them.

[g] The *Lat.* has *Catholicus* for rel Christien.

[h] This alludes to the ancient Custom of the Sureties holding the Person to be baptized or confirmed, whether a Child or Adult, at making of the Professions.

23. Christian Lay-men are also to be told, that every one should pray for himself twice a Day at least, that is Morning and Evening except one can pray oftner. Unless he be expert at *Pater Noster & Credo*, let him sing or say, *Lord thou hast fashioned and formed me, be merciful, O God, be merciful to me a Sinner*; and let him thank God for his daily Food, and that he hath made him in his own Likeness, and distinguish'd him from the Beasts. This being thus done, and having worship'd his Creator only, let him call upon the Saints, and pray, that they would interceed for him to God; first to St. *Mary*, and afterwards to all Gods Saints. Let them that can reach to a Church do it at Church; they that cannot, let them do it wheresoever they are, both Evening and Morning. For the Psalmist says, *God's Dominion is in every Place:* and again he says to God, *thou art in every Place*; as he also said, *I cannot find any Place in which thy Government is not.*

24. *Sunday* is highly to be honoured, therfore we forbid that any Man presume to undertake any Work, except dressing his Meat on that Holy-day: unless a Man be oblig'd by Necessity to travel; then he may ride, or row, or use any such Passage as is usual

usual to his Journey; on Condition that he hear Mass, and do not neglect his Prayers. On the *Sunday* God first created Light; and on that Day he sent the People of *Israel* Heavenly Bread in the [i] Wilderness. And on that Day he arose from Death, when he had first of his own accord suffered Death for the Salvation of Mankind; and on that Day he sent the Holy Ghost on his Disciples; therfore it is highly proper, that every Christian do very solemnly observe this Day. And it behoves every Christian that can do it, to come to Church on *Saturday*, and bring a Light with him, and there hear Even-song and Nocturns in their proper Hour; and come in the Morning with an Offering to High Mass. And when they come thither let not any [k] Quarrel, or Dispute or Discord be heard; but [let there be] a Calm of the Mind at the Holy Ministration: let them interceed both for themselves, and for all God's People, both with their Prayers and their Alms. After the Holy Service, let every one betake himself to his own Home, and entertain himself in a ghostly Manner with Friends, Neighbours and Strangers; and guard himself against immoderate Eating and Drinking.

i ꝑerten not ꝑer---
k ꝓac, not ꝓacn.

25. It also greatly concerns every Mass-Priest earnestly to persuade and teach them that belong to his District, that they be hospitable to Strangers, and never turn a Traveller out of their House; let them do out of perfect Charity that they are willing and able to [l] do, to God. For what a Man does out of Charity to Strangers, that no doubt he does to God; as he himself will say at Doomsday, to them that are placed at his Right Hand, *I was a Stranger and ye receiv'd me.* They therfore

 who

l ꝺon, not ꝺonne.

who receive any Stranger out of Charity, let them not desire any worldly Requital. Many Men have so greatly pleas'd God by their Hospitality that they [m] deserv'd to be visited by Angels, no worldly Recompense ought to be taken of the Strangers, because Eternal Joy in the Kingdom of God is promis'd, on this Account.

[m] þýnþe not býþe. *Som.*

26. It greatly concerns you to restrain Perjury, and to tell those of your District how vast a Sin it is, and how strictly it is forbidden, both in the Law, in the Books of the Prophets, and in Christ's own Book.

We have been inform'd, that some place it among the lesser Sins; now it is not so, but it is one of the greatest; and Satisfaction is to be made for it as for slaying a Man, or for Adultery, or any other of the Capital Crimes. Ye ought also to know and inform those of your District, that whoever has committed any of the Capital Crimes, and will not be converted so as to make Satisfaction, he is forbidden all Communication with Christian Men, both within and without the Church, even in Drinking and [a] Dwelling together, unless they will be converted so as to make Satisfaction.

[a] þunungе not þun.

27. It is also the great Duty of Mass-Priests to tell those of their District that every one ought earnestly to take heed of bearing false Witness, because this is a very grievous Sin; and our Lord on Mount *Sinai* did strictly forbid it, and saith thus, *Never be [guilty] of any false Witness, because false Witness is never unpunish'd.* Whoever commits this Sin, or hath committed it, ought to purify himself by the same Satisfaction, which we before appointed

appointed for Perjury, and also other Capital Sins; or be [b] separated from every thing that is Christian. What can be more agreeable than that a Man who out of Covetousness of Gold, or Silver, or precious Garments, or any worldly thing, falls into so grievous a Sin, should live seven Years in anxious Misery, or else be depriv'd of every thing that is Christian. Our Saviour said, *that it would not profit that Man a whit who should gain the whole World and lose his own Soul.*

[b] A full Stop at ajceaben.

28. We also command the Mass-Priests that are subject to us, that they be very diligent in the Instruction of the People, that they who are Book-learn'd do often and carefully teach them of their District by Book; let them that are not so Book-learn'd, command the Young Men of their District, that they cease from Evil and do Good, seek Peace and follow it, and let them know *that God's Eyes are over the Righteous; that his Ears hear the Prayers of the Righteous; that the Countenance of the Lord is against them that do evil*; that he destroys and blots out their Memories. You cannot excuse your not teaching of them. All of you have Tongues: he that is willing to speak good, may reclaim some. As soon as a Priest sees one in the Wrong, he shall endeavour with all his Power, to reduce him to Right, both by reproving, conjuring or beseeching him; and not let him alone till he have brought him to good Works. And my Will is that every one do certify me, at those times that we come, by God's Help, to assemble in Synod, what Fruit he hath produc'd in his District, by the Help of God, and what Men of his District, that formerly liv'd in Wrong, he hath reduc'd to Right. And if any Want my Help, let him [do his Part and I will]

will] soon be ready in the true Love of God and Man, so far forth as is possible for me to do it.

29. Also ye ought to admonish those of your District that they closely apply themselves to Prayer: In this Manner ye shall teach them to pray. First they shall sing *Credo*, since it is most proper that they shew the Firmness of their Right Faith; and after he hath sung the Creed, then let him say thrice, *God thou art my Creator, have Mercy on me*, and thrice, *God be merciful to me a Sinner.* After that let him sing *Pater Noster*; and after that if he have Place and Leisure, let him first pray to St. *Mary*, and the Holy Apostles and Martyrs, and all God's Saints that they would intercoed for him to God; and then arm his Forehead with the Holy Rood-token, that is, sign himself [with the Cross] and then with Hands and Eyes uplifted, let him give Thanks to God for all that he has given him, both Prosperity and Adversity. If he have not Leisure for the doing it all in this Manner, then let him do as we said before, that is, say thrice, *God thou art my Creator, have Mercy on me.* And thrice, *God be merciful to me a Sinner*; and then with inward Heart let him say *Pater Noster*, and sign himself.

30. We should every Day once, or twice, or oftener, if we can, confess our Sins in our Prayers, since the Prophet says, *I declar'd my Sin unto thee, and mine Unrighteousness I hid not from thee.* I said, *I confess my Unrighteousness against my Self to the Lord, and do thou Lord, forgive the Impiety of my Sin.* Then after Confession with Groaning and Compunction of Heart, we should pray for our selves to the Lord, and sing the L Psalm, or the XXIII or XXIV, or one of them to the same Purpose, and thus complete your Prayers. That Confession of our Sins, which

which [c] we make to the Mass-Priest, this [d] contributes to our good, in as much as by Ghostly Advice receiv'd from him, and medicine for those Blemishes, which we confess to be in us, by means of our own Deeds, and by observing the Injunctions that he gives us, we may by this means blot out our Sins. Further the Confession [e] which we make to God only, that is to our Benefit, in as much as the oftner we remember [our Sins] the sooner God forgives them: Since the Lord says by the Prophet, [f] *thy Sins I will not remember*. On the other side, the oftner we forget our Misdeeds, the more [g] carefully doth God [h] remember them. It concerns us to consider what *David* the Prophet saith, and to do accordingly as near as we can, *I acknowledge mine Unrighteousness, and my Sin is always before me*.

[c] þe not þe.

[d] We are here inform'd of the benefit of Confession to the Priest, that it consists in the Spiritual Counsel he gives, and the proportioning the Penance to the Crime; and of this Monsieur *Petit*'s Collections are full. Not one word here of the benefit of the Priest's Absolution: And probably ther was no such thing as an Absolution yet invented; I mean a positive Indicative Absolution. See also *Conc. Cabilon. c.* 33. *A. D.* 813.

[e] This the Latin calls the *True Confession*. *Confessio vera quam Deo Soli facimus.*

[f] ȝemynbie ic, or ȝemunie ic, not ȝemanic.

[g] ȝeonnon, not —— non.

[h] read ȝemunaȝ, not ȝemon——

31. A Man ought to confess to the Shrift, all the Sins that he ever committed, either in Word, Work, or Thought: there are eight Capital Sins: there is but a small Number of Men, that is not smitten with some or all of them; The first is Gluttony, the second is unlawful Copulation, the third is worldly Grief, the fourth Covetousness of

Riches, the fifth is Vainglory, the sixth is Envy, the seventh is Anger, the eighth is Pride. When one [i] comes to his Shrift with a Resolution that he will declare to him his Wants, and confess his Sins, then ought the Shrift diligently to enquire of that Man when he confesses to him, how the thing was done, whether willingly or unwillingly, whether by Way of Surprize, or by Way of deliberate Design, [k] and then injoin him Penance for every Misdeed, according as the Deed was done. He that kills another Man in defending himself, is not to be compar'd to him that lies in Ambush for another and kills him. So it is in unlawful Copulation, and in every Misdeed: the Shrift shall examine him that declares his Want to him in every Particular, and teach him to conceal nothing of what he supposes he ever committed against the Will of God, either in Word or Deed, and shall declare the Satisfaction that belongs to every one of them.

i hya, not ysa. *Somn.*

k A Stop at yiran.

32. We ought to give Meat to the Hungry, and Drink to the Thirsty, and [l] cover the Naked, and visit them that are Sick or in Prison, as our Lord saith, *I was hungry, and ye gave me to eat, I was thirsty, and ye gave me to drink, I was naked, and ye clothed me, sick and in Prison, and ye visited me.* Now every one ought to apply this to himself in a spiritual Manner, and to fulfil it towards others in a corporal Manner. Yet [m] can it not avail him to Life Eternal if he lead his Life in Uncleanness Pride, Envy, or other manifest Immoralities, which, it would be too long to number. But as soon as a Man perceives, that he has not Christ within him (who saith, *I am the living Bread that came down from*

l ppeon, not pneon. *Somn.*

m Dele the Point at mæg.

from Heaven) and that true Love which is the Nurse of the Soul, then undoubtedly he is hungry; and then if he join himself to Christ by good Works, discarding his former Immoralities, and fill himself with the sweetness of true Love, then hath he fed himself that was hungry in his Soul. He that sees [a] himself to be deprived of the Streams of the Doctrine of the Holy Scripture, and of the Holy Ghost, is then sufficiently thirsty; and if he then watereth himself at the Spring of God's Word, and fill his Soul with the sweetness of the Ghostly Liquors, he then giveth Drink to his thirsty Soul. Then he who seeth himself destitute of Righteousness, and other good Works, is not he sufficiently naked? If he then dress himself with Righteousness, and other good Works, what doth he but clothe his naked self? Then he that lies in his Bed of Vices, and Labours of the Disease of his Unrighteousness, and is bound with the Cords of his Sins, and surrounded with the Walls of his Misdeeds, and in the Darkness of his Unrighteousness, he is sick enough, and in a Gaol sufficiently dark. But if he arise out of the Bed of his Immorality, and goes out by Confession, and by the Mournings of a sincere Satisfaction be loos'd from his Sins, and then proceeds to the Light, by the Practice of good Works, he without doubt visits his sick and imprison'd self. Then he who sees himself fatigu'd in the Pilgrimage of this present Life, and with the Storms of Immorality as one tir'd with the strong Blusters of the Air, and that he wants the calm Haven of good Works; he may then consider that he is in the Road, and in need of an hospitable House. And if he then conduct himself to the sacred House of Virtues, and cover himself under their Protection, then in what he does to himself he entertains a Stranger. The Man that applies all this spiritually

[a] hinereolfn, not hrgne.

ly to himself, he gives Food and Drink, he clothes, and visits, and entertains Christ, whose Member he is in himself.

God's Friends are also to be admonish'd, that they teach their Children to be obedient to their Parents; for the Lord saith, *Honour thy Father and thy Mother that thou mayst be a long Liver on the Earth:* the Parents also should be gentle towards their Children; since the Apostle saith, *Ye Parents provoke not your Children to Wrath:* yet ought they not to let any Misdeeds go unpunish'd. *Solomon* saith, *he that spareth the Rod, hateth his Child.* No Misdeed is allow'd to pass without Punishment, in the World to come, except Satisfaction be made for it here.

Therfore it is better for one to correct his Child for his Misdeeds here, than that he be reserv'd for God's Wrath there.

34. And the Priests also shall teach the People, that that is true Love by which a Man loveth God better than himself, and his Neighbour as himself, and that none do ought of that to another that he would not have done to himself, and many other things too long now to be reckon'd up. Some suppose that true Love is Meat and Drink; but it is not so at all; concerning this, saith the Apostle, *God's Kingdom is neither Meat nor Drink:* Yet nevertheless when Men give Meat and Drink out of true Love to God, it is a Work perfectly good, and it is numbered among other good Works.

35. They also that live by Dealing, are to be admonish'd, that they do not so covet worldly Gain, especially so as to lose Life Eternal. Without doubt they greatly err, who are more intent on worldly Gain, than on the Salvation of their Souls; and of these a wise Man saith, they lose their [d] Inwards by the Way. The present Life is what he

[d] Lat. *intima sui.* Sax. ingeþanc, *Conscience.*

he call'd the Way. But it is necessary that they hear the Apostles Doctrine; the Apostle saith, over-reach not one another in Dealing, for (look well to it) God will be his own Avenger of what is done to the Wrong of others, or for any other Cause. The same Command is given to Mariners and to Landmen, and all that raise Profit to themselves by Dealing; that they give God the tenth Part; and give their Alms out of the nine Parts: so it is injoin'd to all Men, that out of the same Craft from which they produce Necessaries for the Body, they also ptoduce Necessaries for their Souls, which are better than the Body.

36. On the Week next before [c] Holy Night, shall every one go to his Shrift, and his Shrift shall shrive him in such a manner, as his Deeds which he hath done require; and he shall charge all that belong to his District, that if any of them have Discord with any, he make Peace with him: if any one will not be brought to this, then he shall not shrive him: [but] then he shall inform the Bishop that he may convert him to what is right, if he be willing to belong to God: then all Contentions and Disputes shall cease; and if ther be any one of them, that hath taken Offence at another, then shall they be reconcil'd, that they may the more freely say in the Lord's Prayer, *Lord forgive us our Trespasses*, &c. And having thus purified their Minds, let them enter upon the Holy Fast-tide, and cleanse themselves by Satisfaction against Holy *Easter*, [d] for this Satisfaction is as it were a second Baptism. As in Baptism the Sins before committed are forgiven; so by Satisfaction are the Sins committed after Baptism.

The Holy Scripture informs us that Sins are forgiven

[c] It is pretty plain here is a Mistake in the *Saxon*, and that it should be lenten instead of halgan nyht.

[d] A Point at Eastrena.

forgiven by seven means; the first is Baptism, which was given us for the Remission of Sins. In the second Place by suffering. Concerning this the Psalm Poet saith, *Blessed is the Man to whom the Lord imputeth no Sin.* According to this same Saying of *David*, Sins are forgiven by Baptism, they are covered by Satisfaction, they are not imputed thro' Martyrdom. In the third Place they are redeem'd thro' Almsdeeds. Of this saith *Daniel* to *Nebuchodonazor* the King, *Redeem thy Sins with Alms* [*given*] *in Mercy to the Poor.* And that [Text] [e] *as Water quencheth Fire, so doth Almsdeed Sin.* And the Lord saith in the Gospel, [f] *Give your Alms then, by that you may be clean.* The fourth, is if thou forgive them that have sin'd against thee, as it is said in the Gospel, *forgive, and it shall be forgiven you,* &c. The fifth is, if one by Instruction and preaching God's Commandments, converteth a Man from Wrong to Right, *he ransoms his Soul from Death, and covers a multitude of Sins,* as the Apostle declares. The sixth way is, by the true Love of God and Man. As it is said, the true Love of God and Man, covers the multitude of Sins thro' the Saviour Christ our Lord. The seventh way is, by Satisfaction, as *David* saith, [g] *I am turn'd about in my Misery, and my Back is broken:* and he says presently, *I ceased from my Pride, and my Misdemeanour, and do Penance and Satisfaction for them before God, so I have Forgiveness.*

[e] *Eccluſ.* iii. 30.

[f] *Luke* xi. 41.

[g] The Text here alluded to is Psalm XXXII. 4, 5. the XXXI. according to the Vulgar *Latin*, in which it runs thus, *Conversus sum in ærumnâ meâ dum configitur spina mea. Delictum meum cognitum tibi feci, & Justitiam meam non abscondi. Dixi, confitebor adversum me injustitiam meam Domino, & tu remisisti impietatem peccati mei.*

27. Men

37. Men shall observe the Lenten Fast with a more singular regard; so as to eat no Meat till the tenth or twelfth Hour, (but *Sundays* only) except one be so sick that he cannot fast, or so young as not to be of age to fast. For these Days are the Tithe of the Year, and we should therfore spend them with all Piety and Holiness. There is a custom frequently to redeem other Fasts with Alms, out of Love to Friends [that we may eat with them]. This no Man must [h] break by any means. They who fast at other times earn a Reward, and Forgiveness of Sins from God; yet upon Condition, that they adorn their Fast with Almsdeed: But at this time he that can fast, but will not, without doubt earns eternal Punishment to himself. For Christ hath hallow'd these Days to Fasting by *Moses*, by *Elias*, by himself.

[h] A Point at bnecan.

38. It is the Duty of every Man daily to give Alms to them that are in Want; yet more on the Days in which we fast, than on other Days. For then we should distribute to the Poor, the Meat and Drink, that we should use if we fasted not. For if we fast and reserve our [i] first Meal till Supper time, that is not Fasting, but is only a delaying of the time of eating, and the Supper is doubled.

[i] *Lat. Prandium.* unbenngenepo.

39. It is the Practice of many, when they should fast, that as soon as they hear the Noon-bell ring, they take Meat; but it is not to be thought that That is to be deem'd Fasting; but it is requisite that after Noon-song a Man hear Mass, and after Mass his Even-song, at the [proper] Season, and after Even-song, let every one give his Alms, according to what is incumbent on him, and afterwards take Meat. If any one be so streighned in time

time that he cannot come to Mass and Even-song, yet let him continue fasting till he know that Mass and Evensong are ended; and then having finished his Prayers and his Alms, let him enjoy his good things and take his Meat.

40. During this Time shall be an abstinence from all delicious Meat, and we must live soberly and chastly, when Men are able on this Holy Tide to forego Cheese, and Eggs, and Fish, and Wine, this is the most perfect Fast. They who cannot forbear them, by reason of Infirmities, or for any other [k] cause, are oblig'd to use these with moderation, and at the Season allow'd, that is, after Evensong; and that he take neither Wine nor other Drink to drunkenness, but for the refreshment of his Heart. Intemperate drinking of Wine, and sinful Lust, is forbidden, [l] not Milk, nor Cheese: The Apostle doth not say, eat not Cheese or Eggs, but, *Be not drunk with Wine*, or other strong Liquor, in which is Fiery Lust.

[k] Lat. *Quolibet opere.*

[l] Make a Point at ꝓonboben, dele Point after ꝓynt.

41. Men are to go to Housel every *Sunday*, during this Holy Time, except they be excommunicated. So also on *Thursday* and *Friday* before *Easter*, and on *Easter-Eve*, and on *Easter-Day*: and all the Days in *Easter-Week* are to be observ'd with the same Devotion.

42. On this Holy Fast none shall raise any Quarel, or Contention, but ye ought to exercise the fasting Vacation in the Love of God, and in necessary Business. For our Lord threatneth those, who will on their [m] Fasting-Days demand their [a] Debt, and raise Quarrels and Contentions, who by

[m] *Quadragesimæ tempore Lat.* This was too gross for *Ælfric.*

[a] *Sax.* Summon their Debtors.

by the Prophet says thus, [b] *Your victory is on the fasting day, ye have all your pleasure on this day, ye make search after all your debtors, ye fast for strife and debate*, and impiously ye bear hatred to your Brethren. All Christian Men are Brothers in God.

[b] I understand ȝeryne as ȝeriȝon. I suppose it answers these Words of the Prophet, *percutitis pugno.* ȝeryne may perhaps signify *Conspiracy*, but then ther is nothing that answers to it in *Isaiah.*

43. It is also the great Duty of married Persons, that on this Holy Tide they keep themselves pure, without all pollution of Copulation; that their Hearts and their Bodies being purified by a pious Life, they come to the *Easter-Day* with Deeds well pleasing to God; For that fasting avails not a whit that is polluted with Conjugal Work: Nor is that [c] in the least Point more [availing] that is not adorn'd with Watching and Alms-deed.

[c] ne hpon þe ma, not neh þon, &c.

44. The People also who at the Holy Time are to take the Holy Mystery of Christ's Body and Blood (that is the Holy Housel) are to be instructed, that they do it with much Awe and Reverence. And let them first cleanse themselves, both with Fasting, and Alms, and abstain from the Conjugal Work, and from every Vice, and adorn themselves with Alms and every good Work, and so with great Reverence receive it. Both is very dangerous, either that a Man take it without being prepar'd, in a negligent manner; and also that any Man be too long without it; [d] especially let no Man

[d] *Theodulf's Latin* makes no mention of the Shrift, or Confessor; and has the last Clause thus, "It is dangerous "to abstain from it for a long time, only with an Exception to them, who being excommunicate receive it not "when they please, but at certain times only" (he means such as were under Excommunication for any grievous Crime

Crime, and during those Years did publick Penance in *Lent*, and were received into the Church on *Maundy Thursday*, and continued there, and might communicate till *Low-Sunday*, but were then to absent themselves from Church. till next *Lent*), "and the Religious, who live in "an holy Manner, and do it almost every Day". From this it appears that ther was in *Theodulf's* time a daily Communion in Monastries, if not *Elfric's* too.

Man receive it without his Shrift's Leave. To him he shall first have confess'd all that he has done against God's Will; so far as he can recollect, and made Satisfaction according to his Doom. But ther are many Minster-Men and Widows, of so Holy, Religious a Life, that they may do it every Day when they please.

45. Farther we command all Mass-Priests, who are willing to sing Mass before High-Mass, either on *Sundays* or other Mass-days, that they do it secretly, so as that they may draw no Part of the People from High-Mass; for it is a very evil Custom which some Men practise both on *Sundays* and other Mass-days, that they will hear Mass early in the Morning, and then presently all the Day after, serve their own Belly, not God, by Drunkenness and Junketting. Now we command that no Man tast any Meat, till the Service of the High-Mass be finish'd; and that all Women as well as Men assemble themselves to High-Mass and to the Holy Ghostly Church, and there hear High-Mass, and the preaching of God's Word. And as we said before, let not the Mass-Priests in the [e] Oratories sing at all, except they do it so secretly as to draw no Man from the High-Mass. And we charge Men of every Rank to frequent the High Mass, except the Holy Maidens only, whose Custom or Manner it is not to go from their own Minster. They ought to remain within their own Cloisters, and there hear Mass.

[e] Sax. ȝebeð-hur, clearly the side Chancels, or Chapels joining to the Church. *A. D.*

A. D. MIX.

Laws Ecclesiastical and Canons at *Eanham*.

PREFACE.

THis Year, or however, between the Year 1006 *and* 1013, *which includes the whole Time of St.* Alfeage's *Presidency in the See of* Canterbury, *a Council was called at* Ænham, (*probably now* Ensham *in* Oxfordshire) *at the Command of King* Ethelred, *and by the Advice of both the Archbishops of* Canterbury *and* York. *It was therfore a National Assembly, and the Great Men of the Laity were present, as well as the Bishops and Abbots. And tho' most of the Laws are Ecclesiastical, yet some are purely Secular. The old* Latin *Copy is far from being a Translation. It rather seems to me to be an account, which some one there present did write down by strength of his Memory; which afterwards falling into the hands of some Archbishop of* York, *was transcribed by him, or at his Command, with two Paragraphs added at the end. But because the* Latin *Preface gives some account of the Synod, which is not in the* Saxon, *I thought fit to prefix the Translation of it to the following Decrees.* Sir *H. S.* Vol. 1. p. 513.

IT hapned on a certain Time, that all the Great Men of the *English* were summon'd to appear on the Holy Day of *Pentecost*, at a Place by the Inhabitants call'd *Eanham*, by the peremptory Edict of King *Ethelred*, at the Instigation of *Ælfeah* and *Wulfstan* the Arch-Prelates. A multitude of vene- *Lat.*

 rable

rable Worshippers of Christ being therfore assembled in that Place, they being divinely Inspired, conferr'd together for the recovering the Exercise of the Catholic Religion, and for repairing the State of the Commonwealth at large, and not briefly. Further, at the beginning of their Synodical Conferences, first the Bishops with mutual Instructions exhorted each other in their wholsome Discourses, to adorn themselves with the comlinefs of Faith, Hope, and Charity, and of the four principal Virtues, viz. Prudence, Justice, Fortitude, and Temperance: and they appointed a daily mutual [a] Intervention; and faithfully confirm'd a League of Peace and Concord between themselves.

[a] By *mutual Intervention* in the Civil Law is meant, being mutual Security for each other. Perhaps here it may signify, that they wou'd every Day, during the Council, meet together, apart from the Great Secular, to consult of Ecclesiastical Affairs; or it may signify a mutual Intercession to God for each other: For Words in these Ages did not keep their proper Sense and Meaning, but were used according to the fancy of the Writer.

A. D. MIX.

THE PROVISIONS OF THE WISE MEN.

Sax. THese are the Ordinances which the *English* Counsel-givers chose, and enacted, and strictly charged to be observed.

1. And this, in the first place, is the Prime Decree of the Bishops, That we all turn from our Sins, so far as we can, and earnestly confess our Misdeeds, and make Satisfaction for them, and duly love and honour the One God, and uniformly maintain the One Christianity, and earnestly avoid all Heathenism, and advance Devotion among ourselves, and affect Peace and Unity, and faithfully obey

obey one Royal Lord, and guard him duly and truſtily.

And the Ordinance of the Wiſe Men is, That Abbots and Abbeſſes do rightly regulate their Lives, and prudently take Care of their Flocks, and that Men of every Order do in earneſt ſubmit themſelves every one to that Law that concerns them, both in regard to God and the World; and eſpecially that God's Servants the Biſhops and Abbots, the Monks and [b] Mynikens Canons, and Nuns betake themſelves to what is right, and live regularly, and earneſtly intercede for all Chriſtian People.

[b] Here *Mynikens* and *Nuns* are diſtinguiſh'd. The former ſeems to denote the ſtricteſt Sort, the other those that were leſs ſtrict. See *Cnut*'s Law ſixth.

And the Ordinance of the Wiſemen is, That every Monk that lives out of a Monaſtry, and neglects his Rule [c] do as it is his Duty, betake himſelf to the Monaſtry with all Humility, and deſiſt from his Miſdeeds, and carefully [d] build up what he hath broken down, and call to mind the Word, and Promiſe, which he hath plighted to God; and let the Monk that hath no Monaſtry, go to the Biſhop of the Shire, and engage himſelf before God and Man, to obſerve three Things at leaſt for the Time to come, that is, his Chaſtity, the wearing of the Monaſtick Habit, and the ſerving the Lord in the beſt manner that he can: And if he performs this, then he deſerves to be the better reſpected, wherefoever he dwells.

[c] ꝺo ꝼꝑa him, not ꝺoꝼꝑalum.

[d] I read beꝯ ꝼꝑyþe, not beæꝼ—.

Let Canons where ther is an Eſtate ſufficient to have a Dormitory and Refectory, keep in their Monaſtry, with Chaſtity, as their Rule directs. But it is juſt, that he who will not, do forfeit his Place.

2. And we command and charge all God's Servants, especially the Priests, that they obey God, love Chastity, and guard themselves against God's Wrath. Let them earnestly consider, that they cannot lawfully cohabit with a Wife: Yet this is worse, [e] that some have two, or more, and some tho' they dismiss her, whom they formerly had, afterward take another, the former living, as it becomes no Christian Man to do. Let him who will desist from this, and preserve his Chastity, obtain God's Mercy; and as an Addition of worldly Honour [we decree] that he be equal to a *Thane*, both as to his Weregild, and to his Rights in his Life time, and at his Burial. And let him who is averse to that which befits his Order, be deprived of his Honour both in relation to God and the World.

[e] I read with Mr. *Somn.* ꝑyꝑꝛe, not ꝑyꝛe.

3. And look ye! We agree to command every Friend, and to charge all People, in earnest, with inward Heart to love the One God, and diligently to avoid all *Heathenism*.

4. And if Witches, Wizards, [f] Magicians, or Whores, Privy-Murtherers, or False-Swearers be caught any where in the Nation, let them be zealously driven off this Earth; and the People be purged; or let them wholly get them gone out of the Land, unless they will desist and make deep Satisfaction.

[f] For ꝛcm cnæꝼt can, I read ꝛcin-cnæꝼtlican, or ꝛcincnæꝼtiꝝan.

5. And it is the Ordinance of the Wisemen, that right Law be advanced both in relation to God and the World, and that every thing contrary to it be earnestly abolish'd; and that every one both Poor and Rich be henceforth esteem'd worthy of common Justice; and that Peace and Friendship be

be duly preserv'd both in relation to God and the World, within this Land.

6. And it is the Ordinance of the Wisemen, that he who is a Christian, and has not forfeited himself, be not sold out of the Land, at least not into an *Heathen* Nation. But let Men take special Care, that a Soul, which Christ bought with his own Life, do not perish.

7. And it is the Ordinance of the Wisemen, that Christians be not rashly condemned to Death for every trifling Cause; but on the other side let the Judge correct with Lenity for the publick Good; and not for a small Matter destroy God's own Handy-work, and his own Purchase, which he dearly bought. And let every Fact be cautiously Scan'd; and [let] Judgment [be] according to the Fact, and Moderation, according to the Quality [of the Offender]; so that it may be gentle in relation to God, tolerable in relation to the World, and let him that judges others, seriously consider what he requests for himself, when he thus says, *Forgive us our trespasses, as*, &c.

8. And we strictly charge every Christian, that he earnestly avoid all unrighteous Copulation, and duly observe the Christian Law.

And never let it be, that a Christian marry within the [g] fourth Degree of Relation, among his own Kindred, that is within the fourth Generation; nor to the Widow of one that is so near akin, in worldly Affinity, nor one nearly related to the Wife, whom he formerly had, nor to any consecrated Nun; nor to his [h] spiritual Relations; nor to one that is divorced

[g] I think it evident, that VI. here was written by Mistake for IV. The old *Lat.* mentions no particular Degree.

[h] That is his Godmother, or Godfather's Daughter, or to the Daughter of the Priest, or other Person, who baptized him.

vorced. Nor let him who desires to observe God's Law aright, and to guard himself against Hell-fire have more Wives than one; but continue with her only so long as she lives.

9. Let every Church be in the Protection of God, and of the King, and of all Christian People.

And let the Protection of the Church within its own Walls, and the Protection of the King's Hand be equally inviolable.

And let no Man from henceforth bring a Church into Servitude, nor unrighteously make Merchandize of a Church, nor turn out a Church-*Thane* [i] without the Bishop's Consent.

[i] I take ðen here to be the same with ðegen, or ðegn. So c.2. But if only some Inferior Officer of the Church be here meant; yet still we may safely conclude, that, if no Man could without the Bishop's Consent turn out an inferior Minister of the Church, much less a Superior, and that therfore Patrons before the Conquest had not Power to deprive Priests of their Benefices.

10. Let God's Rights be paid every Year duly and carefully, that is Plough Alms fifteen Nights after *Easter*, at [k] farthest.

[k] *Sax.* hupu: Som. *Saltem.*

Tithe of young by Pentecost, and of all Fruits of the Earth by [l] *Allhallow*'s Mass.

[l] Therfore the Tithe-payer did in these Days imbarn, and thrash the Tithe-corn, and pay Tithe of the Grain.

11. And the Romefee by *Peter*'s Mass, and the Church-scot at *Martin*'s Mass.

12. 13. And the Light-scot thrice a Year. And it is most just that Men pay the Soul-scot at the open Grave.

14. And if a Corps be buried elsewhere out of the

the proper [m] District, let the Soul-scot then be paid notwithstanding to that Minster, to which it belonged, and let all God's Rights be advanced, with Diligence, as is requisite.

[m] Sax. ſcipe, Shire.

15. Let Feasts and Fasts be duly observed. Let *Sunday* be strictly observed, as becomes that Festival, and let Men carefully desist from Trafficking and County Courts, and Hunting-bouts and worldly Works on that Holyday. Let the High St. *Mary's* Tides be celebrated, first with Fasting, then with Festivity. And before the High Tides of every Apostle let Men strictly fast. But before the Feast of *Philip* and *Jacob*, we command not Men to fast, by reason of the Paschal Feast, except one chuse [so to do]. Let other Feasts and Fasts be diligently kept by all, in that Manner that they do who keep them best.

16. Also the [a] *Ember*-days, and [other] Fasts, as St. *Gregory* himself commanded the *English* Nation.

[a] See Dial. of *Egb.* Answer the last, Article 1, 2, 734.

17. And let Men fast every *Fryday*, except it be a Feast.

18. And let Ordeal and Oaths and Marriage be always forbidden on high Festival Days, and on the solemn *Ember*-days, and from *Advent* to the Octaves of *Epiphany*, and from *Septuagesima* till the fifteenth Night after *Easter*. And it is also fit that ther be common Peace and Concord to all Christian Men on these Holy Tides, and that all [b] Law-suits be put far away. If a Man be in-

 debted

[b] ſacn I take to be the same with ſac, and the following Clause, I conceive determines us to this Sense. And this I take to be the Foundation of our *Lent* Vocation, *&c.* Mr. *Sam.* reads ſacn, Deceit or Dissimulation.

debted to another upon Security given, or by Way of Satisfaction [for wrong done] in any worldly thing, let him duly pay it either before or after.

19. And let every Widow that duly contains herself be under God's Protection and the King's; and let her continue a whole Twelvemonth without an Husband, [and] afterwards marry whom she will.

20. And let every Christian Man act as it concerns him, let him diligently mind his Christianity, and often resort to his Shrift, and confess his Sins without Shamefac'dness, and diligently perform his Satisfaction, as he is taught. And let him prepare himself to go to Housel thrice a Year at least, when he is willing to know his Duty, as it concerns him [to do].

21. And let every one of our Friends frame his Words and Works according to right, and carefully observe his Oaths and Contracts, and banish all that is contrary to Right out of the Land, so far as Man can do it. Let treasonable Practises and all detestable Breach of Law be avoided, that is false Weights, wrong Measures, false Testimonies, obscene [c] Dancings, filthy Copulations, horrible Perjuries; and devilish Practises, in privy Murthers, and Man-slaying, and Stealing and [d] Rapine, and Covetousness, and Gluttony, and Insolence, and Intemperance, Witchcraft and various Breaches of the Law in relation to Marriage and Violation of Orders, Feasts and Fasts, and Church-breaking, and [e] publick Mischiefs. And know, O Man, that all such like is to be avoided, and never to be loved; but let Men earnestly henceforth love God's Right, in

[c] I read ꝼnicunꝷa, not ꝼic----.

[d] ꝼꝼnuðunꝷan is here overlook'd both by Sir *H. S.* and Mr. *Som.*

[e] *Plurimis generibus malefactorum*, Sax. manigeꝼ eynneꝼ miꝼtæðan.

in Word and Work; then would God soon be propitious to this Nation.

22. Come on! let us likewise all diligently provide for Reparation of Peace, and of the Coin; let us so provide for the Reparation of Protection, as may be best for the Housekeeper, and most dreadful to the Thief; and so for Reparation of the Coin, that the same Mony may go over all the Nation, without any Counterfeit. And let Men rectify their Measures and Weights, and henceforth desist from every thing contrary to right. And let the Reparation of Castles and Bridges be begun in Earnest, on all sides; as also the Recruiting of the Army, and also of the Fleet, when need is, as it is commanded for the publick Necessity.

23. And it is agreeable to a State of War, that the Fleet be ready every Year soon after *Easter*. And if any one damnify a Ship belonging to the Publick [f] Fleet, let him diligently make Satisfaction for it, and to the King for [Violation of his] Protection; and if it be destroy'd so that it be good

[f] When I had this Passage under my Consideration, I could not but reflect on the known Story of *Wulfnoth*, Father to Earl *Goodwin*, who was this Year accused for his Design of corrupting, or destroying the Fleet, which the *Saxon* Chronicle represents as the greatest, that the *English* Nation had ever yet equipt: it is sad to remember, how that Great Traitor went off with twenty of the Ships, and afterwards burn'd eighty more, and by this means reduced the King and Nation to the lowest Ebb. It is scarce to be believ'd, that *Wulfnoth* had accomplish'd his Design so early in the Year as *Whitsontide*, therefore it is probable, that this Provision was made upon *Brihtric's* Information against him, as a Person, that had wicked Designs against the Fleet; nay 'tis possible that this Law might be made the foregoing Year, when the King determined with himself to prepare this great Fleet, and before ther were any Suspicions of *Wulfnoth*.

good for nothing, let him pay the full Worth of it, and Violation of Protection to the King.

24. And if any one desert the Army, without leave, when the King is there in Person, let it be at the Peril of his Honour.

25. And if Privy Murderers, or Perjurors, or notorious Murderers be so audacious, as to remain in the King's Presence, before they have begun their Satisfaction toward God and the World, let it be at the [g] Peril of their Honour, and all their Estate unless they be [h] Supplicants.

g For ſlihton. *Somn.* whom I follow, reads pliht on.

h That is unless they come to implore the King's Pardon, or to take Sanctuary in his Palace, in which Cases the King was supposed to take Care, that Satisfaction was made to the Church, and to all Parties concerned. Mr. *Somn.* here turns ꝓriþ-benan *causâ refugii.*

26. If any one conspire against the King's Life, let him incur the loss of his own Life, and of all that he hath: if this be proved against him. If he will, and can make his Purgation, let him do it by the deepest Oath; or by the threefold Ordeal by the *English* Law, and by the *Danish* Law, according as their Law is.

27. If any Man commit [i] Robbery against the Law of Christ, and the King, let him pay a Were, or a Mulct in Proportion to the Fact; and if he resist, and be the Cause of Mens killing of him, let him lie, without any Payment [made] for him.

i I turn ꝓoꝑꝛæl, Robbery. Sir *H. S.* renders it, *oppositio*, with less probability, as I humbly conceive. The *Latin* had indeed, *manifestè resistit*, but this may be instead of the Sax. ȝeonbyꝑe in the last Clause.

28. And if one defile a Nun, or force a Widow, let deep Satisfaction be made toward God and toward the World.

29. Let

29. Let a Man always ſtudy every Method whereby he may beſt conſult for the Neceſſities of the Nation, and moſt effectually advance right Chriſtianity and aboliſh every thing contrary to Law. For by this means Reformation ſhall be made in the Land to ſome [Purpoſe], when what is contrary to right is depreſt, and Righteouſneſs is loved both in regard to God and the World.

30. But now we will charge the [k] Servants of God, that they in an eſpecial Manner would with Caution bethink themſelves, and with God's Help love Chaſtity, and zealouſly follow their Books and their Prayers; and by Day and by Night full oft call to Chriſt, and earneſtly interceed for all Chriſtian People. We will alſo remind every Friend, as we have great need alſo to do, that he earneſtly bethink himſelf, and turn from his Sins, and diſſwade other Men from what is contrary to right; and that he full oft have in his Mind what it concerns Men moſt frequently to remember, that is, that they have a right uniform Belief in the true God, who is the Governour and Maker of all Creatures, and that they rightly hold right Chriſtianity, and attentively hearken to divine Teachers, and earneſtly follow the Doctrine and Laws of God; and that they do every where promote the Peace and Protection of God's Churches, and often viſit them with Light, and Offering, and there often pray to Chriſt in their own Perſons: that they duly pay God's Rights every Year, and ſolemnly obſerve Feaſts and Faſts, and deſiſt from Marketings and County Courts on *Sundays*; and that they defend, and reſpect the Servants of God; and comfort and feed God's Poor; and not too often moleſt the Widow

[k] Biſhop *Kennet* ſuppoſes that the Abby of *Enſham* having lately been erected, theſe Proviſions were made with a particular Regard to the Monks now ſettled there. *Paroch. Antiq. in An.* 1009.

dow and Step-child; but to make them rejoice; not to provoke nor injure Strangers, and Far-comers; not wish too vehemently to others what is contrary to right; but that every Man wish that right to others, which he desires himself. And this is in earnest right Law.

31. He who henceforth is in Contempt of the right Law either of God, or Men, let him diligently make Satisfaction, [l] wheresoever it is due, as well with Divine Discipline, as with worldly Correction: And if any Money arise on Account of Divine Satisfaction, according as the Wisemen of the World have fixed the Rule, that is to be apply'd, at the Command of the Bishops, to the purchasing of Prayers, to the Relief of the Poor, to the Reparation of Churches, to the instructing, clothing, and feeding, of them that serve God, and [to the purchasing] of Bells, Books, and Church Vestments, and never to any worldly idle Pomps. But as to what concerns worldly Corrections,[m]—for religious Wants: sometimes by Mulct, sometimes by Weregild, sometimes by the Heals-fang, sometimes by the *Danish* Fine, sometimes by [Loss of] Honour, sometimes of Estate; sometimes by a greater [Punishment], sometimes by a less.

[l] *Ad utrumcunque spectant.* Somn.
[m] Some Words seem wanting in this place.

32. And as Men are more potent in regard to the World, or [a] by means of the Dignity of their Order; so shall they make the deeper Satisfaction, and pay the dearer for their Crimes. For the Potent and the Impotent are not all alike, nor can they bear the like Burden; nor is the Healthy more like the Sickly: and therfore Estimates and Distinctions are discreetly to be made between the Old

[a] *Somn. Hæreo.... estimationem, Dignitatem, Promotionem.*

Old and Young, the Wealthy and Indigent, the Firm and the Infirm, and every Rank both in religious Shrift and in worldly Correction. And if it so happen, that a Man doth any Misdeed unwillingly and undesignedly, this is not at all like that Misdeed which a Man does thro' Self-will and Design. And he also that acts out of Necessity in what he does amiss, he deserves Favour, and always a better Doom, when he acted thro' Necessity in what he did amiss.

Let every Deed be cautiously distinguish'd; and let the Doom be form'd with Judgment according to the Fact, and Moderation [be shew'd] according to the Quality [of the Offender] both in regard to God, and the World. And let Mercy be used for the Fear of God, and Lenity, and Favour in Part to them that have Occasion for it; because we all have need, that our Lord full oft thus indulge his Mercy to us. *Amen.*

In the Latin ther is this further Addition.

In these, and in all Points let all things contrary to Equity and Justice, which King [b] *N*, together with his great Men, decreed to exterminate, be always, and every where cast off, banish'd and wholly

[b] It seems evident, that he who made these Additions was not *Wulfstan* the Archbishop of *York*, who was present in this Assembly: for he wou'd, no doubt, have given us the first Letter of his own Name, as well as of King *Ethelred*'s, in whose Reign the Council was holden, rather than have put the Letter *N* for both; if he had not farther given us such Name at large. The hasty Transcriber having forgotten the Name of the King and Archbishop, before he had finish'd the Transcript, rather chose to make a Balk, than to turn two or three Leaves backward to the Preface, where both their Names are written at full length, and by reviewing whereof he might have refresh'd his Memory.

wholly excluded; and let Justice and Truth be ever observed; so perfect Peace, Plenty of Fruit, and of all good things shall abound in the Country, the Lord guarding us, who liveth, *&c.*

All the great Men that then were, faithfully promised, that they would observe these legal Statutes and Decrees authoritatively publish'd by King *N.* in our synodal Convention, therfore *I, N.* (the Grace of God, thus ordering) Archbishop of the People of *York*, being touch'd with the Love of God Man, and hath recorded the same for the Memory of Posterity, and for the [Souls] Health of them that are, and are to be.

A. D. MXIV.

King Ethelred's Laws Ecclesiastical.

PREFACE.

THer are four Collections of Laws, made at four several Places, in the Reign of King Ethelred, *beside those of* Ænham; *the three first of these contain nothing relating to the Church: this last contains none but Religious Laws: they were made at a Place called* Habam; *tho' Mr.* Somner *says it is written* Badam *in a Manuscript of old belonging to the Monastry of St.* Augustin *at* Canterbury; *afterwards in the hands of St.* Simon d'Ewes. *They are the last of his Laws, and therfore probably made toward the latter end of his Reign, when the* Danes *had overpower'd him, and had the main of the whole Nation subject to them. I place them in the Year* 1014; *when he was invited*

home

home to his People, from Normandy, *whither he and his Queen had gone for Shelter : then he promised to rectify all that Male-administration with which he was charged : And the addition to the seven following Laws* Concerning the Office of a Judge, *seems to be a correction of former Miscarriages. They are published in* Latin *only.*

A. D. MXIV.

1. THat in the first Place the one God be loved and honour'd above all things, and that all Men [a] obey their King, as their Ancestors [did, when] they did it best, and together with him, defend his Kingdom. And it was ordained in the first Place, that God's Mercy and Assistance be invok'd with Fasting, Alms, Confession and Abstinence from all Misdoings, and from Injustice: and that one Peny be given out of every [b] Plough Land, or what is worth a Peny; and let every one that has a [c] Plough Land, make every [d] Hirman

Lat. Sir H. S. Vol. 1. p. 530.

[a] This looks like a Recognition of King *Ethelred's* Authority upon his Restauration.

[b] Lat. *Caruca* for *Carucata*. *N.B.* These two first Laws, as to substance, but in a different Method, are extant in the *Saxon*, in a MS. of CCCC, marked *S.* 18. and printed by Mr. *Wanley* in the third Vol. of the *Thesaurus*, *p.* 138.

[c] Lat. *Familia*, which is commonly taken to signify in these Writers the same Quantity of Land, that a Hyde or *Carucata* does; and *Bede* uses the Word in this Sense; but it is to be observed, that the Quantity is not certain, but sometimes it implies but sixty Acres, sometimes above double that Quantity. Some Land is more easily plough'd than others; some Servants and Horses can plough as much again as others, what was commonly plough'd in the whole Year by one Plough and Team was call'd a Plough Land. Mr. *Somn.* supposes, that this Peny is the Sulhalms elsewhere mention'd; but to me it rather seems to have been an exttaordinary Charity on this sad Occasion of the Nation being over-run with the *Danes*.

[d] Hirman pay one Peny. And if he have it not, let his Lord pay it for him. And let every *Thane* [e] pay Tithe of all that he hath.

[d] The Priest's Hirman, or Hyreman, was what we call a Parishioner. It is in *Saxon* hineð-man one that belongs to a Convent, and then the Lord is the Head of the Convent.

[e] Here I follow Mr. *Somner*'s Conjecture, who suppose that it ought to be *decimet* instead of *detenet*. The MS. aforesaid confirms Mr. *Som.* Conjecture. There it is heapoð-m. teoþian, which is meant of an occasional Tithing in Devotion to God, not of the yearly Tithes.

2. And we ordain, that every Christian, who is of Age, fast [f] three Days in Bread and Water, and raw Herbs before the Feast of St. *Michael*, and let every

[f] While *Apulia* was infested by Northern Invaders, the Christians there obtained a signal Victory, and were made believe that this was done by the Assistance of St. *Michael*, whose Help they had invoked by three Days Fasting and Humiliation: ther can be no doubt, but that the Fast here injoined was in Imitation of that in *Italy*. But it is observable that ther were in this Age two *Michaelmas* Days in the Year. For a Church was erected to this Angel in Mount *Garganus*, where he was believed to have appeared and to have obtained a Victory for the Christians; the Foundations of this Church were laid on the 8th of *May*, and it was consecrated on the 29th of *September*, by which means both these Days became stated Festivals. *Durandus* mentions but one of these, and that immediately after the *Inventio Crucis*, which must therfore have been the first; and ther is reason to think, that this is the Feast mention'd in the Law now before us: for *May*, not *September*, is the time for military Expeditions; but the latter is called *Michaelmas* in the *Saxon* Chronicle, *A. D.* MXI. They are both set down in the *Saxon* Menology publish'd by Mr. *Wanly in Ling. Aquil. Thes. L.* 2. *p.* 107, *&c.* This Menology seems to have been made after the Year 828, because it places *All Saints Day* on *November* first. But this was kept on the Day of St. *John Portlatin*, in *May*, till *Gregory* the 4th, who

who was advanced to the Popedom in the Year 828, translated it to *November* first, yet it was drawn probably before the End of that Century: for St. *Swithun* and St. *Edmund* are not there mention'd. The Menology published by Dr. *Hicks* in *Saxon* Grammar, p. 102. *&c.* mentions but one *Michaelmas*, and that on *September* 27. this therfore is recent in Comparison of the other. *Michael* is said to have made another Appearance *in Monte Tumba*. The Feast kept for this is on *November* 16.

every Man go to Confession, and to Church barefoot; and let every Man renounce his Sins by making Satisfaction, and ceasing from them. And let every Priest with his People go in Procession three Days barefoot; and besides this let every Priest sing thirty Masses, and every Deacon and Clerk thirty Psalms; and let every ones Commons for three Days be prepared, without any thing of Flesh, as they themselves were to eat it, both in Meat and Drink, and let all this be distributed to the Poor. And let every Servant be excused from Labour these three Days, that he may the better perform his Fast; [or] let him work what he will for himself. These are the three Days, *Munday*, *Tuesday*, and *Wednesday* next before the Feast of St. *Michael*. If any Servant break his Fast, let him make Satisfaction with his Hide; let the poor Freeman pay thirty Pence; the King's Thane an hundred twenty Shillings; and let the Money be divided to the Poor. And let every Priest, Town-Reeve, and Tithingman be informed, that this Alms and Fasting is accomplish'd, so as they may be able to give their Oaths of it upon the Holy [g] Things.

[g] In *Latin Sanctis*, without any Substantive. It may be translated *Holy things*, *Relicks*, or *Books*, for Oaths were made in this Age on Crosses, Relicks, Mass-books, *&c.* as well as on the Gospels.

3. And we charge that one Mass be sung every Day in the Morning in every Congregation for the King, and all his People, [we mean] that Mass which is entitled [h] *against the Pagans.* And let the Convent sing at every [Canonical] Hour, with their Limbs extended on the Earth, the Psalm, *Lord how are they encreased, that trouble me,* &c. and the Collect *against the Pagans,* and let this be done, as long as we are under this Necessity; and in every College, or Convent of Monks, let every single Priest celebrate thirty Masses for the King and all the People, and let every Monk sing thirty Psalters.

[h] Ther is still a Service in the *Roman* Missal stiled *Contra Paganos.*

4. And we charge that every Man for the Love of God and his Saints, pay the Church-scot, and his lawful Tithe, as he did in the Days of our Ancestors, when he did it best; that is the Tenth Acre, as the Plough goes; and let every Custom be paid for the Love of God, to the Mother Church, to which it belongs: And let no Man take from God what belongs to Him, and what our Ancestors have granted.

5. And we forbid any one to be sold out of his Native Country: if any presume to do this, let him be far from the Benediction of God, and all the Saints, and from every thing that belongs to Christians; unless he repent, and make Satisfaction as the Bishop shall direct.

6. And we forbid all Robbery to every Man: and let every Man be deemed worthy of common Right, whether Rich or Poor. And if any Man have committed Robbery, let Restitution be made, and Satisfaction [i], according as he did it before or after.

[i] I conceive the meaning to be, that he who committed Robbery after the making of this Law should be liable to a more severe Sentence, than he who had done it before. Else I must confess, that I do not understand it.

after. And if any Reeve have committed it, let his Satisfaction be double to what shou'd have been adjudged to another Man.

7. And let the Alms-Money be paid here at the Feast of St. *Michael* : If any where else ther be an Arrear, [let it be satisfied] by a Full Mulct. And let [k] God's Rights be paid for the future every Year, as to all Particulars aforesaid, for the Love of God, and his Saints ; that so Almighty God may shew us Mercy, and grant us Victory over our Enemies, and Peace ; for which let Prayers be diligently made, that we obtain God's Mercy here, and hereafter Rest without end. *Amen.*

[k] The Reader cannot but see, that one principal Design of this Assembly was to secure the Payment of Ecclesiastical Rights. And it is probable, that the Misunderstandings between the King and his Clergy were one chief Occasion of his leaving *England*; and that the Amendment of his Adminstration, which he promised before his Return was meant principally in relation to Ecclesiastical Rights.

Of the Office of a Judge.

8. A Judge ought to acquit himself in all Respects, both as to Mercy and Judgment, so as in the first place to decree Satisfaction in proportion to the Crime, according to right Knowledge ; and [l] yet to do it in measure, for Mercy's sake. Some Crimes are deemed by good Judges to be satisfied for according to [strict] right : others to be pardoned for the Mercy of God. Judgment ought to be without [m] *Haderung*, that they may not spare

[l] For *tum* read *tamen* Somn.

[m] This Word seems to signify, *Respecting of Persons* q. haße-anung.

to pronounce common Right against Rich [a] and Poor, against Friend and Enemy. And nothing is more unjust, than taking Bribes for subverting of Judgment; because Gifts [b] blind the Eyes of the Wise, and pervert the Words of the Just, the Lord Jesus hath said, *with what Judgment ye have judged, ye shall be judged.* Let every Judge fear and love his [Sovereign] Judge, who sees all things, lest at Dooms-day he be dumb in his Presence. He who oppresses the Innocent and acquits the Guilty for Money, Love, or Hatred, or out of any Faction shall be oppreſt by the Almighty Judge. Let no Lord depute any imprudent or wicked Judges, lest the one thro' Ignorance, the other out of Covetousness, decline from the Truth, which he hath been taught. For the Poor are more grievously worried by wicked Judges, than by the [most] violent Enemies: No Enemy more bitter, no Plague more effectual, than a Domestic Adversary. One may by Flight or Defence escape wicked [c] Enemies; but not Judges when they are ill affected to the Subjects. Good Judges often have evil Deputies, or Ministers, whose Principals become guilty if they do not restrain them, and put a Stop to their Rapacity. For the [d] Lord and Minister of the World says, *Not only they who do, but consent to Evil are worthy of Eternal Death.* Wicked Judges do often pervert Judgment, and not finish a Cause, till

[a] For *dimitti*, read *diviti*, Somn. For *rectori*, read *recitari*, Somn. Sir *H. S.* does also own these two last Readings in his Glossary in the Word *Haderung*, however he came to overlook them here. I must also observe, that I read *ut* for *quod*, immediately after *Haderung*. The whole was certainly originally in the *Saxon* Tongue: The Translation probably was never exact, but the Transcribers have made it worse.

[b] For *excitunt* read *excæcant*, Som.

[c] For *judices*, read *inimicos*, Som.

[d] The Lord Christ, by his Minister St. *Paul.*

till their own Desires are satisfied; and when they judge not Deeds, but study for Bribes, they are according to the Word of Wisemen, *like greedy Wolves in the Evening, which leave nothing till the Morning*; that is, they consider only the present Life, and not at all that which is to come. Wicked Reeves are wont to take away all they can, and not to leave so much as necessary Subsistence. An angry Judge cannot [e] attend to the just Satisfaction of the Doom [Book], for thro' the Blindness of his Fury he cannot discern the right tho' ne'er so clear. Judgment is just, when ther is no Consideration of Persons, for it is written, *Regard not the Person of Man in* Judgment. Taking of a Bribe is an abandoning of the Truth.

[e] *Attendere*, not *accedere*. Somn.

A. D. MXVII.

King Cnute's Laws Ecclesiastical.

PREFACE.

Sir *H. S.* Vol 1. p. 639.

THis *Year* Cnute *King of* Demnark *became King of* England, *and reign'd till* A. D. 1036. *within this space of time the following Laws were made, but in what particular Year is not known.*

Sax.

THis is the Provision which *Cnute* King of all *England*, and of the *Danes* and *Norwegians* made with Consent of his Wisemen to the Praise of God and his own Royal Dignity, and the Benefit of the People, at the Holy Midwinter-tide at *Winchester*.

1. The principal Point is, that the one God be ever loved beyond every thing, and one Christianity uniformly observed, and King *Cnute* be duly and truly loved and honour'd.

2. And that God's Churches have Peace and Protection, and be duly frequented, to the Health of our Souls, and for our own Benefit. Every Church is of right in Christ's own Protection; and every one that belongs to Christ hath great Occasion to understand the great Value of this Protection. For God's Protection is most to be desired, and regarded of all others; The King's in the next Place. It is most just, that the Protection of the Church within its own Walls, and that given by the Hand of a Christian King, be ever inviolate: and let him who

who greatly breaks either of them, suffer the Loss of Lands and Life, unless the King will pardon him. If any Man ever from henceforth do so break the Protection of the Church, as to slay a Man within its Walls; then no Satisfaction is to be accepted; and let all that are Friends of God pursue him; unless it happen, that he make his Escape and betake himself to so [a] powerful a Sanctuary, that the King on that Account grant him his Life; upon his making full Satisfaction both to God and Man; that is, first that he pay the Price set on his own Blood to Christ, and the King, and purchase to himself the Protection of the Law, so as to be capable of making Satisfaction. And if, with the King's Consent, it come to a Composition, then let him pay the Satisfaction for Breach of the Churches Protection, to the Church, according to the Payment made for the great Breach of the King's Protection; and let him procure a Reconciliation of the Church, as is necessary on this Occasion; and let him pay full Satisfaction to the Kindred, and to the Lord, and especially let him compound it with God, with all Diligence.

[a] Some Sanctuaries had larger Privileges than others, and cou'd protect Men for Treasons, and other most enormous Crimes, as others could not. St. *Peter's* at *Westminster* had as great Privileges as any in this Province, and the Church of St. *John* of *Beverly* in the other Province.

3. If the Protection of the Church be violated by any other means, let Satisfaction diligently be made in Proportion to the Fact, whether it be Fighting, Rapin, or whatever else; first let Satisfaction be paid to the Church for the Violation of its Protection, and that according to the Dignity of the Church. Nor are all Churches of equal Dignity in respect to the World, tho' they are equally hallowed. The Breach of Protection in a Head Church

is, in the Case of Satisfaction, equal to the Breach of Royal Protection, that is [b] five Pound, according to the Law of the *English*; and in a middling Church, 120 Shillings, which is the same with the Mulct to the King; and in a lesser Church, that hath a burying Place, but where little Service is done 60 Shillings; and in a Country Church, where ther is no burying Place 30 Shillings.

[b] Five Pound seems to be double to 120 Shillings, that is, it was 240 Shillings; but this is upon Supposition that the Pound was 48 Shillings, as most Antiquarians have laid it, it will not be so by any other Computation: and by this means the diminution of the Payment bears a proportion to the Dignity of the Church. 240 Shillings for a First-rate Church, 120 for a Second-rate Church, 60 for a Third-rate Church, and 30 for a Fourth-rate Church.

4. It rightly concerns all Christian Men to observe the Peace and Protection which belongs to every Holy Thing and Person, and God's hallowed House; and that they honour every Order according to its Dignity: therfore let him that will, or can, understand, that great and remarkable is that which the Priest hath to do for the Benefit of the People, if he aright propitiate the Lord, great is the Exorcism, remarkable is the Consecration, [by] which he expels the Devil, and puts him to Flight, as oft as he baptizeth a Man, or consecrates the Housel, for Angels glide about the Place, and guard those Holy Actions, and assist the Priest with a Divine Power, as oft as he duly ministers to Christ; and this they always do, when with inward earnestness of Heart they call upon Christ, and intercede for the Wants of the People. And a diligent Man ought distinctly to know the Dignity of Orders in the Fear of God.

5. If it happen that a Priest who lives regularly be impleaded for Crimes, and want of Skill, and he

he knows himself to be clear, let him say Mass, if he dare, and make his Purgation by himself alone, if it be a [c] single Accusation; if the Accusation be triple, let him purge himself on the Housel if he dare, together with two of the same Order with himself. If a Deacon, that lives regularly be impleaded by a single Accusation, grant him two of the same Order, and let them make Purgation with him. and if he be impleaded by a triple Accusation, let him take six of the same Order, and make his Purgation, himself being the seventh. If a vulgar Mass-Priest that has not lived regularly be impleaded, let him purge himself as the Deacon that has lived regularly. If a Minister of the Altar, that hath no Friends be impleaded, and has none to support him in his Oath, let him go to [d] *Corsned*; and be the Event as God will; unless he be allow'd to make his Purgation on the Housel. If a Man in Orders be impleaded for a mortal Feud, and that he has been Principal, or Adviser in a Murder, let him make Purgation with his Kindred, who must support the Feud together with him, or else make Satisfaction for it. If he is without Kindred, let him make Purgation with his Equals, or betake himself to Fasting, if he be forced to it and go to the *Corsned*, and be the Event as God hath decreed. Ther

[c] That is, an Accusation by three Men; a triple Accusation is when ther are six Accusers.

[d] This was an inferior sort of Ordeal, 'tis commonly supposed to have been eating of dry Bread, and praying that it might choak them if they were guilty. It is more probable, that it was eating Barley Bread with Cheese, after several Prayers and Ceremonies used over it by the Priest, to discover whether he that was to eat it were guilty or not. See the *Exorcismus Panis hordeacei, & casei*, transcribed from the Text. *Roffens.* in the *Fasciculus rerum*, *Vol.* 2. *p.* 910. *N. B.* Ther is in the Decretals of *Greg.* 9. *T.* 34. *c.* 8. a Story of a Priest who being suspected of Murder, pretended to have purged himself by Cold-water Ordeal.

Ther is no Occasion by right for any Monk either to demand, or to pay, any Satisfaction for a Feud in any Place: he deserted all Rights of Cognation, when he submitted to the *Monastick* Law. And if a Mass-Priest do ever any where stand by a false Testimony, or a false Oath, or be a Complice or Principal in any Theft, then let him be expelled from Clerical Communion, and lose the Privilege of [e] Brothership and Friendship, and all [f] [worldly] Worship, unless he make deep Satisfaction with God and Man, as the Bishop directs, and find Surety to abstain from such like from thenceforth for ever. And if he will purge himself, let him do it according to the Quality of the Fact, either by triple, or [g] single Purgation.

[e] Brothership signifies that Privilege which they had by being Members of one of those *Fraternities* mention'd in the 9th Canon of King *Edgar*, 960.

[f] See the next Law.

[g] Here I follow the old *Latin* Translation. The *Saxon* instead of this says, what it had said in other Words before; that the Purgation must be *in proportion to the Law*.

6. Our Will is, That all Ecclesiasticks carefully obey their proper Rule; and that the Servants of God, Bishops, Abbots, [h] Monks and Mynechens, Canons and Nuns, do this in an especial manner, and live regularly; and Day and Night full oft call upon Christ, and earnestly interceed for all Christian

[h] *Monks*, *Mynechens*, *Canons*, and *Nuns*. By this it appears, that the more regular Veil'd Women were not in this Age called *Nuns*, but they who were less strict in their Discipline. The *Mynechens* of the Female Sex were on the same foot with the Monks of the Male; and these were certainly, as to their Profession, the most exact and severe. The *Nuns* of the Female Sex answer'd to the *Canons* of the Male, and their Profession was not so rigid as the former. But this distinction is not every where to be met with.

Christian People: And we command and charge all the Servants of God, and especially Priests, That they obey God, and love Chastity, and secure themselves against the Wrath of God, and the furious Flames, that rage in Hell. Let them know full well, that they cannot of right converse with Women in a carnal manner. And let him that will desist from this and preserve Chastity, find Mercy with God, and for his worldly Worship be worthy of the right of a [i] *Thane*. And let every Christian Man for the Fear of his Lord diligently avoid all unlawful Copulation; and duly observe the Divine Law.

[i] The Thane was a minor Nobleman, or a principal Gentleman, as we now speak. See *Athelstan*. 926. *No.* 2, 3, 4.

7. We injoin, and charge, and command, in God's Name, that no Christian Man do ever take a Wife of his own Kin within the sixth Degree of Relation, nor the Widow of a Kinsman so nearly related to him, nor of the Kindred of a Wife, whom he formerly had, nor of his Sureties at Baptism, nor a consecrated Nun, nor a divorced Woman; nor practise any unlawful Copulation. Let no Man have more than one Wife, and let her be a wedded Wife, and let him remain with her only, so long as she lives, if he will rightly observe God's Will, and secure his Soul against Hell Flames.

8. Let God's Rights be duly paid with diligence every Year, *viz.* Plough-alms fifteen Days after *Easter*, and Tithe of Young by *Pentecost*, and of the Fruits of the Earth by [k] *All-hallows*-Mass: and if any one then will not pay, *&c.* *As in the third Law of King* Edgar.

9. The

[k] By the Equinox, says King *Edgar*'s Law 3. 957. Probably then they were paid in the Field, now in the Barn, after they had been thrash'd.

9. The Rome-fee is to be paid by *Peter*-Mass; he that detains it over that Day, let him pay the Bishop that Peny, and thirty Pence more; and to the King [l] 120 Shillings.

[l] The *Latin* has 120 instead of 220 in this and the next Law.

10. And the Church-scot at *Martin-Mass*, and let him that detains it beyond that Day pay [m] eleven times as much to the Bishop, and 220 Shillings to the King.

[m] The *Latin* has XL perhaps by Mistake for XI.

11. *This is the same with the second Ecclesiastical Law of King* Edgar, *concerning the Thane that hath a Church on his own Land.*

12. And the Light-scot thrice a Year, first a Half-peny worth of Wax on *Easter*-Eve for every Plough-Land, and as much again at *All-hallow-Mass*, and again also at St. *Mary*'s Purification.

13. And it is most just that the [a] Soul-scot be paid, while the Grave is open. And if any Corps be buried in any other than its proper District; yet let the Soul-scot be paid to that Minster, to which [the deceased Person] had been a Retainer.

[a] This was an Oblation to the Priest for performing Funeral Rites, Masses and other Devotions in Behalf of the Deceased.

14. And let every Man very diligently preserve God's Rights, as ther is Occasion. Lot Feasts and Fasts be observed, every *Sunday* Feast from *Saturday* [b] Noon, till *Monday* Morning light; and every other Festival, as is injoined.

[b] See 957. 3.

15. We

15. We strictly forbid *Sunday's* Market, and County Court also, unless in Case of great Necessity. And let Huntings and all worldly Works be diligently forborn on the Holydays.

16. And let solemn Fasts be observed, (whether *Ember* Fast, or *Lent* Fast, or any other Fast) with all Diligence; the Fast before all [c] St. *Mary's* Masses, and before all the Apostles Masses: (excepting that we do not command a Fast before St. *Philip* and *Jacob's*, [d] on the Account of the Feast of *Easter*) and every *Fryday's* Fast, (unless it be a Feast,) and no Man need fast from *Easter* to *Pentecost* (unless one be under Penance, or that he chuse to fast) or from Mid-winter till the Octaves of *Epiphany*.

[c] *Viz.* Purification, Annunciation, Assumption, Nativity, *&c.*

[d] All the 50 Days between *Easter* and *Whitsuntide* were look'd upon as Festival in a lesser Degree.

17. And we forbid Ordeal and Oaths on Festivals, and *Ember*, and *Lent*, and solemn fasting Days; and from *Advent* till eight Days are past after Twelf-tide; and from *Septuagesima* till fifteen Nights after *Easter*. And Wisemen have chosen [e] St. *Edwards* Mass-day to be kept as a Festival all over *England*, on the fifteenth of the Kalends of *April*, and St. *Dunstan's* Mass-Day on the fourteenth of the Kalends of *June*: And let there be common Peace and Unity on these Holy Tides to all Christian Men, as right is, and let all Hypocrisy be far away. And if one have given Security, or owe a Man Satisfaction upon any temporal Account, let him pay it before, or after.

[e] *Edward*, King of the *West-Saxons*, and of all *England*, was barbarously murthered about the Year 978, and was afterwards Canonized for a Saint.

18. We

18. We charge all Christians, for God's Love, That they earnestly consider their own Benefit. For we should all be in Expectation of the time when we should rather have wrought the Will of God, while we might, than [injoy] all that is on the Earth. Then we shall all have one single Recompence, even that we have before wrought [for ourselves] in our Lifetime. Wo be to them that have deserved Hell Punishment. But come on, let us most earnestly turn from Sin, and confess every one our Misdeeds to our Shrifts, and for ever desist from and make diligent Satisfaction for them, and do the same to others, that we would have done to ourselves; (this is righteous Doom;) and effectually propitiate God. And he is perfectly happy, who hath held fast this Doom. For God Almighty made us all, and again bought us all at a dear Rate, that is with his own Life, which he gave for us.

19. And let every Christian act for his own Benefit, and have an earnest Concern for his Christianity, and prepare himself to go to Housel, three times a Year at least. And he that will know his own Interest, let him industriously reform every Friend by Word and Work in that which is right; and carefully observe Oath and Covenant; and let all Unjustice be driven out of this Land so far as it is in the Power of Man. And let God's Right be earnestly loved henceforth, both in Word and Deed; then would God's Mercy be nearer to us all.

20. Come on, let us do, as we desire to teach, let us be faithful and true to our Lord, and ever defend his Honour, with all our Might, for whatever Loyalty we perform to our right Lord we do it all to our own Benefit, for God will be faithful to such. Every Lord also has to a great Degree his Advantage in this, *viz.* that he duly keep Faith with his [f] Men.

[f] His Tenants and Vassals.

21. Let

21. Let every Christian carefully learn ever to love God inwardly with the Heart and earnestly to maintain true Christianity, and diligently to attend to the Divine Doctors, and full oft to contemplate and study the Instructions and Laws of God to his own Benefit.

22. And we charge that every Christian learn to know at the least the Right Faith, and be expert at *Pater Noster & Credo.* For with one of them the Christian should pray to God, and with the other declare his right Faith. Christ himself first sang *Pater Noster*, and taught that Prayer to his Disciples; and in this Divine Prayer are seven Petitions. He that inwardly sings this he does his own Message to God for every necessary Want, either in relation to this or the future Life. But how can a Man ever pray inwardly to God, unless he have an inward Faith in him? Therfore he hath no Christian Communion in the consecrated Places of Rest, after Death; nor is he capable of the Housel in this Life, nor is he a good Christian, who will not learn it: nor can he be Surety for another at Baptism, much more at the [g] Bishop's Hands, till he have first learn'd well to rehearse it.

[g] Confirmation.

23. And we charge a Man to shield himself diligently at all times against deadly Sins and diabolical Deeds, and let him carefully make Satisfaction (with the Advice of his Shrift) who hath fallen into Sin by the Instigation of the Devil.

24. And we admonish all Men that they always guard themselves against Uncleanness, unlawful Copulation, and Breach of Wedlock.

25. And we strictly charge every one to have always the Fear of God in his Mind, and that he be afraid of Sin by Night and by Day, and be in dread of Dooms-day, and to have a Horror of Hell and an Apprehension of his last Day as always at hand

26. Let.

26. Let the Bishops be Preachers and Doctors of God's Laws; and they ought diligently to give in charge, and exemplify Mens Duty toward God. Let him that will, take Warning. For that Shepherd will be found useless to his Flock, that will not at least give them a Caution by lifting up his Voice, if any publick Invader make an Attempt; over and above other means, that he may use. And ther is no Invader so mischievous as the Devil. This is his only [Aim] how he may do most Hurt to the Souls of Men. Then should the Shepherds be very wakeful and earnestly call out, who are to protect the People against Invaders; that is Bishops, and Mass-Priests ought to caution and defend the Flock of God with their wise Instructions, that the furious Wolf may not tear in Pieces, or bite too many of them, and he that neglects to hear God's Embassadors, let him contend with God himself. Let God's Name ever be blest. To him be praise Glory and Honour for ever and ever. *Amen.*

A D. MXVIII.

MR. Lambard *has also published* 80 *Laws of this King* Cnute: *out of which these following are selected as relating to the Church and Religion, with a short Preface in these Words.*

Sax. THis is the secular Provision, which I command, with the Advice of my Wisemen, to be observed over all *England.*

1. This is the Principal Point, that I command, that Right Law be advanced, and every thing contrary to it be demolish'd; and that whatever is unrighteous be cut down and rooted up out of this Land

Land with all Diligence, so far as possible and that God's Rights be upheld. And henceforth let every Man, whether Rich or Poor, be esteemed worthy of Right, and let him be judged with a just Doom.

2. We charge, that tho' a Man commit such a Crime, as to have forfeited himself to the last Degree, yet let Judicature be so regulated, that it be moderate [a] in respect to God, tolerable [b] in respect to the World. And let him that presides in Judicature consider very seriously what he desires [of God] when he thus says, *Forgive us our Trespasses, as we forgive them that trespass against us*: And that they don't rashly condemn Christian Men, especially to death, for Matters of very little moment; and in other Cases, that the Judicature be temper'd with Gentleness, for the publick Benefit. But let not God's Handy-work, and his Purchase which He dearly bought, be destroy'd, for Things of small value.

[a] That is, to the Penance to be injoined by the Bishop.
[b] As to the bodily, or pecuniary Punishment to be inflicted by the secular Judge.

3. And we forbid any Christian to be sold wholly out of the Land, or into a *Heathen* Country, lest the Soul which Christ bought with his own Life, should perish.

4. We command that a Purgation of the Land be undertaken from one end to the other; and that ther be a Cessation from all heinous Crimes. And that if Witches, or Conjurers, or privy Murtherers, or Harlots are discovered any where in the Land, they be with all Diligence driven out of it, or that they wholly depart of themselves. And we command, that [c] Apostates and such as

 are

[c] Probably such as had for many Years continued obstinate under the Sentence of Excommunication, or had forsaken religious Assemblies, and lived in Neglect of all Sacraments.

are outlaw'd by God and Man, be gone off the Land; unless they will submit and make deep Satisfaction: and that Thieves and Publick Robbers be forthwith put to Death, unless they desist.

5. We strictly forbid all *Heathenism*, or that Men worship Idols, or *Heathen* Gods, the Sun, the Moon, the Fire, or the Rivers, Fountains, or Stones, or any Kind of Trees; or to practise Witchcraft, or to contrive any private Murther either by [d] Lots, or Firebrands, or to do any thing by such like Juglings.

[d] This was what was properly call'd Sorcery, in *Latin Sortilegium.*

6. Let Murderers, and Forswearers, and Violators of Holy Orders, and Adulterers, either submit and make Satisfaction, or be gone out of the Country with their Sins.

7. Let [e] Flatterers, and Liars, and Rapperees, and Freebooters incur the severest Wrath of God, unless they desist and make deep Satisfaction; and he ought to correct such like, and to avoid such like, who will duly purge the Land, and depress wrong and practise Righteousness.

[e] Or Gluttons.

17. 8. The same with the seventh Law of King *Edgar*, that the Bishop should sit upon the Bench with the Alderman.

9. What is contrary to Right is allow'd at no time; yet a Man ought to guard himself especially at Holy Times and Places, and the greater his Authority is, or the higher Order he is of, the deeper Satisfaction shall he make for the wrong, both in regard to God, and to the World. And let Satisfaction be always diligently sought for toward God by the Canon Book, and toward Man by the Secular Law.

10. If

10. If one murder an [f] Altar-Thane, let him be [g] outlaw'd with God and Man, unless he make deep Satisfaction (by Pilgrimage) as well as with his Kindred, or else [h] let him purge himself, as in Cases of Blood. And within thirty Nights let him begin to make Satisfaction to God and Man, with all that he hath. 36

[f] That is a Priest, against whom no Objection lies. See *Athelst.* II. p.

[g] To be outlaw'd with God is to be excommunicated.

[h] *Lat. Werelada se inlegiet*, let him recover the Protection of the Law, by paying a Satisfaction as for Blood: and this better coheres with the rest of the Law, but I conceive the *Saxon* will not bear this Construction.

11. If a Man in Orders, or a Stranger be seduced to any thing that touches his Goods or Life, then shall the King be instead of Kindred, and Advocate to him, if he have none else. But let him make such Satisfaction to the King, as is customary, or else let the Crime be severely revenged. For it becometh a Christian King deeply to revenge Offences against God, with rigid Justice, in Proportion to the Fact. 37

12. If an Altar-*Thane* be a Manslayer, or commit any grievous Crime, let him suffer the Loss of his Orders, and of his Country, and go as far away in Pilgrimage, as the Pope injoins and diligently make Satisfaction for it. And if he will purge himself, let it be with a triple Purgation. And unless he begin his Satisfaction within thirty Nights, let him be outlawed. 38

13. If one bind or beat or grievously reproach an Ecclesiastic Person, let him make Satisfaction as right is; and let the Bishop [have] the Satisfaction due to the Altar, according to the Dignity of [the injured Persons] Order; and [let Satisfaction be paid] to the Lord or the King, as for a notable 39

Breach of his Protection, or else let him purge himself with a full Purgation.

40. 14. If an Ecclesiastic have forfeited himself by committing a Capital Crime, let Men overpower him, and reserve him to the Bishop's Doom [which is to be pass'd] according as the Crime is.

41. 15. If a Man guilty of Death desire Confession, let no Man ever refuse it him: If he do, let him make Satisfaction to the King with 120 Shillings, or bring him to a Purgation, let him take five Men, and be himself the sixth.

42. 16. If Man may govern, let no one that has forfeited himself ever be put to death on the *Sunday's* Feast, except he fly or fight; but let Men overpower him, and keep him in hold till the Feast Day be past. If a Freeman work on a Festival Day, let him make Satisfaction by the Pillory, and especially let him diligently make Satisfaction with God, as he is injoined. If the Slave work, let him forfeit his Hide, or a Compensation for it in Money, in proportion to the Fact. If the Lord force the Slave to work on the Festival, let him forfeit the Slave, and let [the Slave] be free. And let the Lord pay a Fine among the *Danes*, a Mulct among the *English*, in proportion to the Fact; or else let him make his Purgation.

43. 17. If a Freeman break a solemn Fast, let him pay a Fine with the *Danes*, and a Mulct with the *English*, in proportion to the Fact. It is wicked for a Man to eat his first Meal on a Fast Day; yet it is worse for a Man to defile himself with Flesh. If a Slave do it let him forfeit his Hyde [i], in Proportion to the Fact.

[i] That is, Let him be whip'd.

18. If

18. If any one do openly break *Lent* by Fighting, 44
Uncleanness with Women, Rapine, or any mor-
Crime, let the Satisfaction be double (as like-
e on High Festivals) in proportion to the Fact;
if he deny it, let him purge himself with a
le Purgation.

Virlac does commonly signify *Marriage*, so does
ptiæ among the *Latins*, yet with old Divines and
onists it hath a foul sense, and *Nubo* often signifies
commit Uncleanness: And this meaning of the Word
comports with the Notion of a high or deadly Sin,
with the double Mulct here inflicted on it. For to
ry, or lie with a Wife, at other times, was no Sin,
had no Mulct annext to it; but the Fact here meant
st be such a one as was punishable at other times:
erwise it could not be doubly punish'd in *Lent*.

19. If a Man do with Violence oppose the Pay- 45.
nt of God's Rights, let him pay a Fine among
Danes, a full Mulct among the *English*; or else
him purge himself with eleven [Men] him-
being the twelfth. If he wound any Man, let
n make Satisfaction, and pay a full Mulct to the
d: and let him redeem his Hands of the Bishop,
let them be cut off. If he kill a Man, let him
outlaw'd; and let all that would have Right
ie pursue him with Hue and Cry. If he by op-
ing Right cause Men to kill him, and this be
tr'd, let him lie without any Satisfaction.

20. If a Man violates Holy Orders, let him make 46.
isfaction according to the Dignity of the Order,
Weregild, by Mulct, by Fine, by the Loss of
his Estate.

21. If a Man commit Breach of Matrimony, let 47.
n make Satisfaction in Proportion to the Fact.
s a wicked Breach of it, for a [1] Religious Man
ie with any, more so to lie with another Man's
te, or with a Religious Woman.

[1] That is, a Monk or Canon.

48. 22. If one commit Incest, let him make Satisfaction according to the Degree of Relation [that is between the Parties] by Weregild, by Mulct, by Fine, and by all his Estate. For a Man to commit Incest with his Sister, and with one remotely related are not the same thing.

49. 23. If one commit a Rape on a Widow or Maid, let Satisfaction be made with a Weregild.

24. If a Wife in her Husband's Life time lie with another Man, and it be notorious, let her be a perpetual Shame to herself for the future, let her lawful Husband have all [m] her Estate; and let her suffer both the loss of her Nose and her Ears. If it be only a vehement Suspicion, and she be cast at her Purgation, let the Bishop act at Discretion, and let him pass a severe Sentence on her.

[m] This seems to be a demonstration, that a Wife *by* the common Law among the *Saxons* and *Danes* had, or might have a peculiar Estate distinct from her Husband. *Stiernhook* is cited by Dr. *Hicks* in his Preface to his *Thesaurus*, (*p.* 42.) for asserting, that Wives among the old Northern People had an absolute Right, not only in the Goods, but the Lands, with which her Husband endowed her, so as to alienate or dispose of them at discretion.

50. 25. If a married Man lie with his own Slave, let him suffer the Loss of her, and make Satisfaction for himself with God, and Men: and he who hath a lawful Wife, and also a Concubine, let the Priest perform none of those Rites to him, that ought to be performed to Christian Men, till he desist and make deep Satisfaction as the Bishop injoins, and let him ever forbear the like.

51. 26. If Foreigners refuse to reform their Uncleanness, let them be gone off the Land with their Estates and their Sins.

27. If

27. If one have been kill'd by notorious Murder, let [the Murderer] be deliver'd to the Kindred; if it be only a vehement Suspicion, and he miscarry at Purgation, let the Bishop be Judge. 53.

28. If one break Suretiship with the King, let him make Satisfaction with five Pounds, if with the Archbishop, or [a] one of the Blood Royal, with three Pounds; if with the Bishop of the People with two Pounds. 55.

[a] This is the most proper Signification of æbeling, tho' it may denote any Grandee or Superior Nobleman.

29. [b] All People ought of right to assist in repairing the Church. 63.

[b] This Law, which is omitted by Sir *H. S.* shews, that the Reparation of Churches was devolved on the People sooner than is commonly thought.

30. If any Man contrary to right retain one that is [c] banish'd by God, let him yield him up to the Law; and pay a Recompence to him to whom it belongs, and to the King according to his Weregild. If one retain and withhold [obstinately] an excommunicate, or an outlaw'd Person, let him do it at the Peril of himself and all his Estate. 64.

[c] The same probably with the *Apostates* (Law fourth,) and who are commanded out of the Kingdom.

Now I strictly charge, and in God's Name command every Man, that he with inward Heart bow to his Lord, and full oft, and earnestly consider what he has to do, and what to forbear. And we are all under great Obligation to love God, and follow his Law, and diligently to attend to Divine Instructions: for they shall lead us forth at that Doom, when God shall judge every Man by his former Works. And happy is that Shepherd, that can lead his Flock into God's Kingdom, and into

heavenly Joy, and happy is that Flock that followeth the Shepherd, so as to deliver themselves from the Devil, and to gain God. Come on then! let us all earnestly and unanimously propitiate God, with that which is right, and henceforth always guard ourselves against those Flames, that rage in Hell. Do ye Doctors and Divine Preachers, as ye ought, often preach Man's Duty toward God, and let all that are discreet diligently attend them; and let every one retain the divine Doctrine firmly fix'd in his Mind, for his own Benefit. And let every Man do all possibly he can for the Honour of his Lord, both in Word and Deed, always with Chearfulness; then is God's Mercy the nearer to us all. Let God's Name be ever blest. To him be Praise and Glory and Honour for ever and ever. God Almighty have mercy on us all.

A. D.

A. D. MLXIV.

Supposed Laws Ecclesiastical of King EDWARD the Confessor.

PREFACE.

THIS was the last Year save one of the Reign of King Edward *the Third, before the Conquest, commonly called* Edward the Confessor: *the following Laws are, by many, attributed to him, tho' drawn after* William Rufus's *Time. It is agreed that the* Confessor *made no Laws himself; yet our Ancestors did with great Zeal contend for the restoring the Laws of King* Edward the Confessor, *during the Reigns of several Princes after the Conquest: they meant the Laws of the old* English-Saxon *and* Danish *Kings, as they were administred or executed with some prudential Variations by King* Edward. *A very famous Divine asserts these Laws to be what their Title and Preface imports, which here presently follows; tho' he allows, as every one must do, that they are very much interpolated; and as they stand in* Lambard *and* Wheloc's *Edition they are Institutes or Commentaries, rather than Laws, as the most famous Dr.* Hickes *observes. They who drew them had but a very imperfect Knowledge of the* Saxon *Tongue; and are guilty of very great Mistakes in their Glosses. I have translated only sixteen of them, which were certainly the Conqueror's Laws, if not King* Edward's, *and have more or less a relation to the Church; and the most ancient Historians and Copies mention no more.* Hoveden *attributes this Collection to* Ranulf Glanville,

Glanville, *who was Justitiary to King* Henry the *Second, and the first Writer of the Common Law. But this may be understood of the Glosses, or Commentaries. N. B. I translate none of the later Additions in* Lambard *and* Wheloc; *but follow Sir* H. S's *Copy, which agrees with that of* Hoveden.

A. D. MLXIV.

Lat. 1. KIng *William* in the fourth Year of his Reign, after the Conquest of *England* by the Advice of his Barons, caused the *English* Noblemen that were Men of Knowledge, and learned in their own Law, to be summon'd together thro' all the Provinces of *England*, that he might from themselves hear their Laws, Rights, and Customs; therfore twelve Men chosen out of every County of the whole Nation, did make Oath before the King that they would make known the Sanctions of their own Laws and Customs, proceeding in a direct Way, without swerving to the right Hand, or to the left, without making Omissions, Additions, or prevaricating Variations; therfore beginning with the Laws of the Holy Mother the Church, because by her the King and Kingdom stand upon a solid Foundation, they declared her Laws, Liberties, and Protection, saying.

2. Let every Clerk, and Scholar, and all their Estates, and Possessions, wherever they are, have the Protection of God, and the Holy Church.

3. Let the Protection of God and the Holy Church be throughout the whole Kingdom from the Lord's *Advent* to the Octaves of *Epiphany*, and from *Septuagesima* till the Octaves of *Easter*, and from the Lord's Ascension, till the Octaves of *Pentecost*, and in all the Days of the *Ember-weeks*; and every Sabbath from the ninth Hour, and thro' the whole following [*Sun*] Day, till *Munday*; also on the

the Vigils of SS. *Mary*, *Michael*, *John Baptist*, all the Apostles and Saints, whose Festivals are bid by Priests on the Lord's-days; and of all Saints on the Kalends of *November*, perpetually from the ninth Hour of the Vigils, and during the following Festival; also in Parishes, where the Dedication-day, or the Day of their proper Saint is celebrated; and if any one devoutly go to celebrate a Saint, let him have Protection in going, staying, and returning, and let all Christians have Protection, when they go to Church, to pray both in going forth and returning. Let them have absolute Protection, who are going to Dedication [of Churches] to Synods, to Chapters, whether they are summon'd, or go of their own Accord upon Business. If any one being excommunicate betake himself to the Bishop for Absolution, let him enjoy the Protection of God and Holy Church in going and returning. Let the Bishop in his own Court prosecute any Man, that has incurr'd a Forfeiture to him. Yet if any one out of Arrogance will not be brought to Satisfaction in the [a] Bishop's Court, let the Bishop notify him to the King; and let the King constrain the Malefactor to make Satisfaction where the Forfeiture is due; that is first to the Bishop,

[a] *Justitia Episcopi* may signify the Judge deputed by the Bishop, or the Bishops Spiritual Law; as *Justitia Regis* may signify the King's Court, or Law, as well as his Justiciary. I take Liberty to render it, as best fits the Place. The Reader will observe, that the Bishop, when these Laws were made did not commonly sit with the Alderman, or civil Judge. If they were certainly the Laws of the *Confessor*, this would prove, that the two Jurisdictions acted separately before the Conquest. It is well known that *Edward* very much affected the *Norman* Modes, so did *Robert* his Archbishop being himself a *Norman*; and we certainly had this from *Normandy*.

Bishop, then to himself: so ther shall be two Swords, and one Sword shall help the other.

4. Wherever Pleas are held in the Court of the King, or of any other Person, if the Bishop's Messenger come thither, and open a Cause that concerns Holy Church, let that be first determin'd. For it is fit that God be every where honoured before others.

5. Whoever holds any thing of the Church, or hath his Mansion upon Church-Ground, shall not be forced to plead in any Court but the Ecclesiastical, altho' he have incurr'd a Forfeiture, unless Justice there fail, which God forbid.

6. Whenever a guilty or noxious Person flies to the Church for Safety, let him be seiz'd by no Pursuer after he is in the [b] Churchyard, except by the Bishop or his Ministers. And if he flies into the House, or [c] Court of the Priest he shall have the same Security, or Protection, as in the Church; so that the House or Court stand on Church-Ground. If [the Refugee] be a Robber, or Thief, let him restore what he hath taken away, if he have it in his keeping; if he have wholly destroy'd it, let him make full Restitution to the Injur'd Person out of his own Goods, if he has wherewithal. If the Robber has made it his practise, and has often escaped to the Church, or the House of some Priest, let him, when he has restored what he had stole, forswear the [d] Province, and not return into it: And let no one dare to entertain him if he do return, without the King's License.

[b] *Atrium* signifies either the Porch, or Yard.

[c] This is meant of an Abbot, or Prior's House, call'd here *Curia*.

[d] That is the Nation.

7. If any one violently infringe the Church's Protection, it concerns the Bishops Courts. If the guilty Person decline, or arrogantly despise their Sentence,

Sentence, let complaint of it be brought to the King after forty Days: And the King's Court shall put him under Security and Pledges (if he can find them) to make Satisfaction first to God, and then to the King, and Church: And if he cannot be found within thirty one Days, either by his Friends and Neighbours, or by the King's Court, the King shall outlaw him by the Word of his own Mouth. But if afterwards he be found and can be taken, let him be surrendred to the King alive; or if he defend himself, [till he be killed] let his Head [be yielded to the King] for from the Day of his outlawry his Head is a Wolfes Head. And this is the general Law, as to all that are outlaw'd.

8. [e] The tenth Sheaf is due to God of all Corn; and

e It was out of an honest Zeal for this and the following Law, which are both but one in Mr. *Lambard*'s Copy, that a worthy Divine has taken such pains to prove all these Laws to be genuine. I shall not pretend to determine, whether he hath succeeded in the attempt; but I am not willing to lay too great stress upon his Arguments, how probable soever. It is sufficient, that no time can be assigned, since the first reception of Christianity in this Nation, when Tithes were not paid: we are sure, they were reckon'd of right due by the Constitutions of *Ecgbriht* in the middle of the Eighth Century, that they are said to be paid to the Bishops, in the Letter of *Boniface* to Archbishop *Cuthbert*. No beginning of it can be shewed later than the Time of *Augustin*, who first placed Christianity here in the latter end of the Sixth Century; and we have no cause to doubt, but he introduced it at the same time with Christianity itself, as the next Law intimates: For *Boniface* was not much above Sixty Years after *Augustin*. If the Bishops and Clergy had found an occasion for a Civil Sanction for the payment of Tithes, during the first 150 Years after the Establishment of the *English* Church, ther is no cause to believe, but the *English* Kings, who were for the most part very favourable to them, wou'd have readily granted it. *Offa*, *Alfred*, *Edgar*, and *Cnute* did actually give

give the Church a Civil Right to Tithes, when they found that the first fervours of the People toward the Church abated. And this I think sufficient, without relying too much on these Laws of an uncertain Authority, and on the Donation of King *Ethelwulf*, so perplexed and dark, and so variously delivered and understood, that I could not consent to afford it a Place among these Monuments of the *English* Church. See how it is express'd by two Historians next that time, *Ethelward* L. 3. c. 3. "This "Year King *Athulf* gave the Tenth of all his Possessions "as the Lord's Portion, and went to *Rome* with great "Dignity and stay'd there twelve Months." *Assorius de rebus gestis Ælfred, circa initium.* "The same Year "the venerable King *Ethelwulf* freed the tenth Part of "his whole Kingdom from all Royal Service and Tribute, "and by a most durable Instrument with the Cross of "Christ offer'd it to the Triune God for the redemption "of his own and his Ancestors Souls. And the same "Year with great Honour went to *Rome*". Yet this last is thought spurious.

and therfore to be paid. If any one keep a Family of Mares, let him pay the tenth Colt. Let him that has one or two only pay a Peny for every Colt: So let him that has many Cows pay the tenth Calf; he that has but one Cow, an Halfpeny for every Calf. Let him that makes Cheeses pay to God the tenth Cheese, let him that does not pay the Milk every tenth Day; likewise the tenth Lamb, the tenth Fleece, the tenth Cheese, the tenth Butter, the tenth Pig.

9. Likewise of Bees the tenth of the Profit, likewise the tenth is to be given to God, who gives the Nine Parts, as well as the Tenth, of Wood, Meadow, Waters, Mills, Parks, Warrens, Fisheries, Osiers, Gardens, and Negotiations: Let him that detains it be constrained to pay it by the Bishop's Court, and by the King's, if that be necessary. For the blessed *Austin* preached and taught this; and it was granted by the King, and Barons, and People. But afterwards many detained them by instinct

instinct of the Devil, and Priests being rich and negligent did not care to be at the pains to get them, because they had sufficient Maintenance; For ther are now three or four Churches in many Places, where then ther was but one. And thus [Tithes] began to be diminish'd.

10. On the Day that ther is to be an [f] Ordeal, let the Bishop's [g] Minister, with his Clerks, come thither, and likewise the King's [h] Justice, with lawful Men of the [i] Province: to see, and hear, that all be done with Equity; and let those, whom the Lord is willing to save by Mercy not by Merits, be acquitted and depart in Peace; and let [the King's] Justice deal with them, according to Justice, whom their own Guilt, and not the Lord condemns. Let those Barons, who have a Court of their own, deal with their own Men in such a manner as not to sin against God, nor to offend the King. And if a Plea between Men that belong to other Barons happen in their Courts, let the King's Justice be present at it; for otherwise the Plea can have no final Issue. If any Barons have no Judicatures, it must be determined at the next [k] Church, where the King's Judicature shall be, in the Hundred, where the Plea was held; with a Saving to the right of those Barons.

[f] Lat. *Judicium*, Dr. *Hicks* hath shew'd that Ordeal, or *Urdæl* is equivalent to this *Latin* Word.

[g] Perhaps his Archdeacon, or whatever Officer he thought fit to send.

[h] Lat. *Justitia*, the same with *Justitiarius*.

[i] That is County, for so it often signifies.

[k] Now it seems plain, that Conrts of Pleas were held in Churches.

11. Every

11. Every one that hath thirty Penyworth of living Stock in his [l] House of his own by the Law of the *English*, and half a Mark by the Law of the *Danes*, shall pay St. *Peter*'s Peny. Now that Peny ought to be demanded at the [m] Feast of the Apostles *Peter* and *Paul*, and to be levied at the Feast call'd *ad* [a] *Vincula*, so as not to be detained beyond that Day. If any do detain it, let Complaint be made to the King's Justice, because this Peny is the King's Alms; let the Justice cause the Peny to be paid, and the [b] Forfeiture to the Bishop, and the King. If any one have more Houses than one let the Peny be paid from that House, where he was resident at the Feast of the Apostles, *Peter* and *Paul*. [c]

12. The

[l] The third of those Laws, which follow after these, says, in *Field-Stock*. Perhaps what was Field-Stock by Day, was House-Stock by Night, for fear of Robbers, in this perilous Age. Yet King *Offa*'s Life has, *Extra domos, in pascuis*.

[m] *Jun.* 29. our Reformers appropriated this Day to St. *Peter*.

[a] *Lammas-Day*. King *Offa* chose this time of payment, because on this Day the Relicks of St. *Alban* the Martyr, to whom he erected a Monastry, were first discovered to him.

[b] See Law of King *Edgar* 4. 960.

[c] Here I omit the twelfth Law, as it is called in *Lambard*, *Spelman*, &c. because it certainly never could be intended as a Law; for it neither commands not forbids any thing; yet I put it here in the Margin, because it seems to me good History written by *Glanvil*, whose Evidence is very good in such Points especially, "The "Payment of *Dane-gelt* was first ordained against the "Pirates: for they laid waste the Country with all their "might; to suppress their Insolence it was ordain'd that "*Dane-gelt* should be annually paid, that is, twelve "pence from every Hide of Land in the whole Country, to "hire Men who might put a Stop to their Invasion. E-"very Church was free, and acquitted from this *Dane-*

"*gelt*.

"*gelt*, and all the Land where-ever it lay, that was the "Property of the Church; because they trusted more in "the Prayers of the Church, than in the Protection of "their Arms. [*Here ends this Law or Assument in the* Cotton *MS. but the rest thus go on.*] "The Church of "the *English* preserved this Liberty till the Times of "King *William*, *junior*, call'd *Rufus*, who, in order "to keep *Normandy*, while his Brother *Robert*, call'd "*Curtois*, was in his Expedition to *Jerusalem*, requi-"red an Aid of the Barons of *England*: Then it was "allowed to him, in this Case of Necessity, but not or-"dained or confirmed by Law, that Four Shillings "shou'd be paid him out of every Hide, the Church not "excepted. But while this Levy was made, Holy Church "with a loud Voice demanded her Liberty, but to no "purpose." Yet my Reader will observe, that only Hides or Plough-Lands were taxed by him, not Manse, or Tithe.

12. The King's [d] Protection is manifold: For ther is what the *English* call, *Peace given with the King's Hand*; another upon his Coronation, which lasts eight Days, eight Days at *Christmas*, eight at *Easter*, eight at *Pentecost*: another is granted by the King's Writ; ther is another which belongs to the four Highways, *Watling-street*, *Foss*, *Ikenild-street*, and *Erming-street*, two of which are extended the length of the Kingdom, two the breadth; ther is another which belongs to the Waters of the famous Rivers. *Manbote* is the Satisfaction to be paid to the Lord for the murder of his Man; that is, [c] three Mark to the King, and Archbishop for one of their Men, by the Law of the *English*, but twenty Shillings to the Bishop of the Shire, and to the King's Earl, and the Steward of his Houshold, ten Shillings to other Barons. 13.

[d] I suppose by this is meant, an immunity from Arrests, and Citations.

[c] It is clear, when this Law was made the Mark was thirteen Shillings four Pence, and so the King's and Archbishop's was double to the Bishops, and the Bishops double to the other Barons.

14. 13. Treasures [dug] out of the Earth belong to the King, unless they be found in a Church, or a Churchyard; and tho' they be, yet the Gold, and half the Silver belongs to the King, and half to the Church where it is found, whatever the Church be, rich or poor. [f]

[f] The 15th Law in *Spelman*, the 17th in *Lambard*, is of so odd a nature, that, as it certainly deserves not a place in my Text, so I scarce knew, whether it were fit to be mention'd in my Margin; but let them who like it take it, as it here follows: "The King, who is Vicar of "the Sovereign in Chief, is constituted to this purpose, "that he may govern, and defend from such as are injurious, his Earthly Kingdom, and the People of the "Lord, and above all things venerate his Holy Church, "and pluck out, destroy, and wholly abolish all Evil-"doers from off her; which, if he do not, the Name "of a King shall not belong to him, but he forfeits the "Royal Title, by the Testimony of Pope *John*; to "whom *Pipin* and *Charles* his Son, while they were "Princes only, and not Kings, wrote in the Reign of "[*Chilperic*] the foolish King of the *Franks*, to enquire, "whether the Kings of the *Franks* ought to continue "thus, contenting themselves with the Royal Title "only; who answer'd, They ought to be called Kings "who vigilantly defend and govern the Church of God, "and his People, in imitation of the Royal Psalmist, "who says, *He that behaves himself proudly shall not* "*tarry in my House.*" *Psal.* ci. 10. according to the LXX, and *Vulg. Lat.* Let any judicious Man consider, whether it can be thought probable, that *William the Conqueror* wou'd ever ratify such a Law as this, or whether it be credible, that his Subjects shou'd presume to offer such a Law to him for his Royal Confirmation; especially when ther is a Condition scarce possible in the nature of Things to be performed, I mean, *destroying, and utterly abolishing all Evil-doers.* The Story of the Pope's determining the Point must be fabulous: for ther was no Pope named *John* within thirty Years before, or after *Pipin*'s assuming the Crown of *France.* Some *English* Monk, provok'd by the oppression of the *Normans*, was the Legislator, to whom we owe this Assu-

ment.

ment. Yet a late Chief Justice is said to have pronounced it from the Bench to be good Law. If it be a Law, it is one of the Pope's making; and a violent Usurpation of Temporal Authority.

14. Let Archbishops, Bishops, Earls, Barons, and all that have [g] *Sac*, and *Soc*, *Toll*, *Team*, and *Infangthef*, have their Knights and proper Servants, *viz.* Stewards of their Houshold, Chamberlains, Butlers, Cooks, and Bakers under their own Friburgh. And [let] these also [have] their Esquires, and other Servants under their Friburgh. And if they incur any Forfeiture, and a Complaint of the Neighbourhood rise against them, they shou'd oblige them to what is Right in their own Court; they, I say, who have *Sac*, *Soc*, *Toll*, *Team*, and *Infangthef*. 16.

[g] The five Laws (so miscall'd) that follow in *Lamb.* and Sir *H. S.* are only Explanations of the five Terms here used. The Reader may find the meaning of them elsewhere, but I am apt to believe, that *Glanvil*'s is the truest, if I can give the true sense of it, *viz.* "*Sac* is a "Right to that Forfeiture [which is incurr'd] when "one challenges another concerning any Matter, and "[the one fails in his] Proof, or [the other in his] denial "of it, as it happens. *Soc* is the Power of making "search for any thing in one's own Land, and for stolen "Goods, whether they are found or not. *Toll*, we call "Tribute, for the having Liberty to buy and sell on a "Man's Land. *Team* is a Right to the Forfeiture in-"curr'd, when challeng'd Goods are put into a third "hand, and the impeach'd Party cannot produce his "Warrant, (that is, prove his Right,) or the other make "good his Challenge. *Infangthef* is the Right of Try-"ing a Thief, being one's own Man, apprehended on "one's own Land. But let them who have not these "Customs sue before the King's Justice in the Hundreds, "Wapentakes, or Shires."

I found it impracticable to give a literal Rendition of *Glanvil*'s Explanation.

32. 15. It is to be known, that all [h] *Jews*, wherefoever they are within the Kingdom, are under the King's Patronage and Protection, as his Liege-men; nor can any of them subject themselves to a Great Man, without his License; And if any one take them, or their Stock, into his Custody, the King may, if he will, seize them as his own.

[h] The *Jews* fled in great Numbers from the Cruelty of the *Mahometans* in the *East*, into *Spain*, *France*, and *England*, about the time of the Conquest, or somewhat sooner.

33. 16. King *Edward* also forbade Usurers to dwell any where in his Kingdom; and if any were convicted of exacting Usury, he was to be deprived of his Estate, and to be deem'd an Outlaw. That King affirm'd, That he learn'd, while he was in the Court of the King of the *Franks*, that *Usury is the principal Root of all Vices.*

A. D.

A D. MLXV.

Supposed Laws Ecclesiastical of King EDWARD the Confessor.

PREFACE.

INgulf, *Abbot of* Crowland, *who had been a Courtier to Duke* William *in* Normandy, *before he invaded* England, *tho' he was an* English *Man born, has left us a large System of Laws, which the Conqueror took (if you can believe it) from the Laws of* Edward the Confessor. *They were not collected till the latter end of the Conqueror's Life and Reign, as Dr.* Prideaux *has shew'd. Mr.* Selden *first publish'd them as an Appendix to* Eadmer's *History.* Wheloc *added them to his Edition of the* Saxon *Laws, tho' they were originally written in the* Norman *Tongue. Sir* H. S. *published five of them, as Laws properly Ecclesiastical, and more correctly than Mr.* Selden, *as he tells us. I have added three more, as giving considerable Light to Ecclesiastical Matters, as I conceive: But let us hear* Ingulf, *from whose Copy these Laws are taken, kept under three Keys in* Crowland *Abby, till its Dissolution.*

A. D. MLXV.

AT this time I brought with me, to my Monastry from *London*, the Laws of the most equitable King *Edward*, which my Noble Lord King *Lat.*

William

William had publiſhed as authentic, and perpetual, and inviolably to be kept, under the ſevereſt Puniſhments, and given them in charge to his Subjects: They are in the ſame Language in which they were publiſh'd; leſt thro' Ignorance, we, or ours, ſhou'd happen to offend the King's Majeſty, by a raſh Preſumption, to our great danger, and by this means unadviſedly incur the Puniſhments contained in them.

Norm. Theſe are the Laws and Cuſtoms which *William* the King hath granted to all the People of *England*, they being the very ſame which King *Edward* his Kinſman kept before him; that is to ſay,

1. The Protection of the Holy Church. Whatever Forfeiture a Man hath incurr'd, and he can come to the Holy Church, he hath Protection of Life and Member. And [a] if any Man lay hands on him who goes to a Mother-Church, (whether it belong to a Biſhop or Abbot, or be a Church of Religion) let him reſtore what he hath taken away, and one hundred Shillings as a Forfeiture; and to the Mother-Church of the Pariſh twenty Shillings, and to a Chapel ten Shillings. And let him that breaks the King's Protection make Satisfaction with an hundred Shillings, according to the Law of the *Mercians*. But let it be otherwiſe in caſe of a runaway Servant, or of propenſe lying in wait.

[a] This is a very dark Paſſage, and ſo it is like to remain, till the *Norman* Language of this Age be better underſtood, or till ſome further Light appear by ſome other means.

Wheloc.

17. 2. If any one be impeach'd for breaking of a Monaſtry, or of any private Room [in it], and was never defam'd in Times paſt, let him make his Purgation

gation with twelve lawful Men (as they are called) his own Hand being the twelfth. If he have been defam'd before, let him make his Purgation with a triple number; that is to say, thirty [b] six lawful Men, as they call them, his own Hand being the thirty sixth. If he cannot have so many, let him go to the triple [c Fire-Ordeal] as he ought to go to the triple Oath: And if he have in Times past made Satisfaction for Theft, let him go to the Water-Ordeal. The Archbishop shall have forty Shillings as a Forfeiture, according to the Law of the *Mertians*; the Bishop twenty Shillings, the Earl twenty Shillings, the common Man forty Pence.

b 'Tis XLVIII in the Original, but this is suppos'd to be a Mistake.

c In the Norman *iuise*. I pretend to no more than a Conjecture, in my Translation here: but it is not altogether groundless; for that it was some sort of Ordeal, ther can, I suppose, be no doubt, because it was for want of Compurgators upon Oath. And I conceive the Fire-Ordeal was more reputable than that by Water: He therfore that had been only defam'd before, and had no Compurgators on Oath, might go to Fire-Ordeal; but if he had actually been convict before, and brought to Satisfaction, upon a second Offence, if he professed his Innocence, but wanted Compurgators, he must be tried by Water. See Sir *H. S. Gloss. p.* 435. *ad calcem.* Yet *Yoe*, or *Ive* signifies Water in *French*.

It is indeed strange to me, that the Conqueror, with his new Bishops, shou'd not have wholly extirpated this savage Superstitious Practise. It had been long ago forbidden by several Princes upon the Continent. It does not appear that the Church of *Rome* ever gave countenance to it: And is a very singular Instance of a gross Corruption, that had not the Pope, or his Creatures, for its Author. If it was ever directly authorized by any Council in a foreign Church, it was only by some new Converts in *Germany* in the Ninth Century. The Council of *Mentz*, 847. *c.* 24. injoins the Ordeal of Plowshare to suspected Servants. But to give the Pope, I mean *Stephen* V. his due, he presently condemned it in an Epistle

to the Bishop of *Mentz*, in whose Diocese it chiefly prevail'd. (*See Caus.* 2. *Q.* 5. *c.* 20.) Nay, *Alexander* II. the Conqueror's own Ghostly Father, absolutely forbad it in a Decree of his extant, *Causa secunda, Quæst.* 5. *c.* The Story of *Ildefongus* concerning *Montanus*, and of *Gregory* of *Tours*, concerning *Bricius*, both of whom were Bishops, and are yet said to have carried Coals in the Flap of their Garments, to prove their Innocency, when their Chastity was called in Question, are reported as Miracles, and therfore are not Instances of common Ordeal. Besides, they only preserv'd their Clothes unburnt, not their Flesh. And indeed Bishops and Great Men used not to undergo the trial of Ordeal in their own Persons, but by their Servants: So *Remigius*, Bishop of *Lincoln*, toward the end of the Conqueror's Reign, was purged from the Treason of which he was suspected, by his Servants undergoing this Trial. Which makes it the more strange, that the Story of Queen *Emma*'s being try'd by going over nine Plough-shares shou'd be believ'd. Princes were not wont personally to submit to any such Ordeal, and very rarely, if at all, did they do it by Proxy. The first Prohibition of Ordeal mention'd by Sir *H. S.* here in *England*, is in a Letter from King *Henry* III. to his Justices itinerant in the *North*, in the third Year of his Reign: Yet this Learned Knight observes, that eight Years after this he granted the Religious of *Semplingham* Power to administer it. Great Lawyers have said, that it was suppress'd by Act of Parliament in the third Year of his Reign. But the Record mentions only the King's Letter; and the King's Letter says it was done by the Advice of his Council, and gives this only Reason, that *It was forbidden by the Church of Rome*. She that was the Mother of most Corruptions was the Maul of this. It is to be observed further, that trial by Duel was introduced into Practise here by the Conqueror, and remain'd long after the Reign of *Henry* III. Yet this, as well as Ordeal, was forbidden by the Popes. This shews, that the Conqueror was far from being a Slave to *Rome*.

3. The

ADDENDA, &c.

VOL. I.

A. D. DCI.

IN *the Paragraph of* Gregory's *last Answer, after* Dividend *add a* Comma.

Ibid. *Before the Note on* Gregory's *sixth Answer add*, It may seem strange that *Gregory* should call *Augustin the only Bishop in the Church of the English*, if he knew that *Luidhard* was yet here. Yet ther is no Inconsistency in this. For *Gregory* might justly consider *Luidhard* only as a Sojourner here in *Kent*. He had probably a See in *France*: Therfore his stay here must be very uncertain. *Augustin* was the only Bishop that was settled here. The Latin is, *In Anglorum Ecclesiâ, in quâ adhuc tu solus Episcopus inveniris.*

Ibid. *To the first Note on the sixth Article of* Gregory's *eighth Answer add*, A very learned Writer in his excellent Treatise *of the Celibacy of the Clergy*, pag. 68. reflecting on these Words of *Gregory*, asserts that *Clem. Alexand.* says this Ceremony was no where practised among the Christians in his time. *Strom. L.* 3. I can find no such Saying there. The most he asserts is, That *Christ* did not require this Bathing, as *Moses* had done, οὐδὲ μὴν τὴν ἀπὸ τῆς ζυζυγίας κόπης, ὁμοίως ὡς πάλαι, βαπτίζεσθαι καὶ νῦν παραιτεῖται ὁ Θεία διὰ Κυρίου Παιδοποιία. c. 12. *ante m.*

ADDENDA, &c.

A. D. DCII.

To the Note on K. Ethelbert's *fourth Doom add*, Among the *Consuetudines Angliæ*, (in *Fol.* 79. *Pag.* 2. of the *Textus Roff.*) which were drawn in the Reign of *Henry* the First, we have these Words, *In Lege Cantiâ Ecclesia Christi, & Rex, & Archiepiscopus habent simile, & quicquid caruca despectum quod Angli dicunt Mundbrece. Et in illâ Legé Pecunia Archiepiscopi reddetur undecies, Pecunia autem Regis non reddetur nisi novies* ——— *Alius Archiepiscopus, & Filius Regis de Legali Conjuge habent similem secularem Rectitudinem in multis rebus; hoc est, in Despectu in Emendationi Hominis occisi, quod dicitur Manbote, &c.* In English thus; " By the *Kentish* Law, *Christ*'s Church, and " the King, and the Archbishop, have the same Forfei- " ture due to them for the Violation of their Protection. " And by that Law, Chattels stollen from the Arch- " bishop shall be restored eleven-fold, but Chattels stol- " len from the King but nine-fold only. ——— The o- " ther Archbishop (*viz.* of *York*) hath in many cases the " same secular Right with the King's Son by his lawful " Wife, that is, in Forfeiture for the Violation of his " Protection, in satisfaction for the Murder of his Man, " which is called Manbote, *&c.*

A. D. DCLXXIII.

To Note b *on the Council of* Herudford *add*, Ther was the less reason for placing *Wilfrid* after *Bise*, because it is certain that *Wilfrid* was consecrated several Years before the other; and was put into Possession of the See of *York* in the Year 669; in which Year *Bise* also might be consecrated to the See of the *East-Angles*. *Bede* mentions the Removal of *Chad* from *York*, before *Putta*'s Consecration to the See of *Rochester*, and *Wilfrid*'s succeeding *Chad* presently after *Putta*'s Consecration (*L.* 4. *c.* 2, 3.) and *Putta*'s Consecration is spoken of as a thing done presently after *Theodore*'s Arrival. Ther is no reason to believe that *Bise* was consecrated before the latter end of the Year 669, or rather the beginning of 670. (compare *Bede*, *L.* 3. 20. *L.* 4. 5.) he therfore was the junior of the three, tho' here placed next to the Archbishop. *Lother* (or *Eleutherius*) and *Winfrid*, came into their Sees after the others, and are here placed in their just Order. These six were the whole Episcopal College

lege here at this time, the See of *London* being vacant. *Wini* was expell'd from the See of *West-Saxony*, and had purchased the Bishoprick of *London* from *Wulfhere* King of *Mercia*, who had reduced the Kingdom of the *East-Saxons* into a state of Subjection, or Dependency. *Wini* was a singular Instance of a Penitent Simonist, and therfore for the three last Years of his Life, became a Recluse in the Monastery at *Winchester*, and *Ercunwald*, it should seem, was not yet advanced to that See. It is the more strange, that *Bise* should have the Precedence of his senior Bishops, when we observe that this was directly contrary to the eighth Canon of this very Synod.

Ibid. *In the long Note on* Theodore's *first Canon, Line penult. of the second Page of that Note, instead of The two* Scotch, *or* Irish *Bishops went away unconvinced*, read *Colman*, one of those whom I call a *Scotch*, or *Irish* Bishop, went away unconvinced, and deserted his See of *Lindisfarne*, where he had sat three Years, and return'd into his own Countrey. *Ceddi*, the other of them, Brother to *Chad* mention'd before, return'd to his See of *London*, but died soon after.

Ibid. *Note* [d] *on Can.* 10. *lin.* 4 *and* 5. *for* So is the Man, *read* So is the Woman.

A. D. DCLXXIX.

In Preface to the Roman *Synod concerning* British *Affairs*, *for* Tresia, *read* Fresia, *or* Frisia.

Ibid. *In Preface Lat. Note*, *read* Trullo. *In Note* [b c] *lin.* 4. *read* Vito Sylvæ, &c.

Note [g] *lin.* 4. *read* Placidius.

Ibid. *Art.* 4. *in the long Note* [g], *for* Binnus, *read* Byrinus; *for* Wittrin, *read* Wittern.

Ibid. *Art.* 7. *for* certain by, *read* certainly.

A. D. DCLXXX.

In Postscript, *for* Hid—— *read* Heddius.

Ibid. *To Note* [c] *on P.* John's *Letter add*, It is observable, that *Cuthbert*, another Saint, took one share of *Wilfrid*'s Diocese, even after the Pope had declared in favour of him, 685. *Trumberht* being deposed from *Hexam*, *Cuthbert* then a Hermit, and a mortified Man, was chose to succeed him: But *Cuthbert*, tho' hardly

 persuaded

persuaded to take any Bishoprick, yet, if he must be Bishop, chose rather to have *Lindisfarn*, where he had been Monk, for his See. Whereupon *Eata* resigned *Landisfarn*, and took *Hexam*. Thus *Theodore* had two *Northumbrian* Saints that stood by him in his Proceedings against *Wilfrid*, and in opposition to the Pope.

A. D. DCXCIII.

After the Note on King Ine's *Introduction to his Laws, add*, Not only in *Brompton*'s Latin Translation, but in the Saxon Copy contained in the *Text. Roff.* after *Hedde my Bishop*, it is said, *and* Ercunwald *my Bishop*. Yet there is no reason to believe that *London*, of which *Ercunwald* was Bishop, was ever subject to King *Ine*: Nor is it possible, I conceive, to assign any Reason why *Ine* should call him *my Bishop*, tho' he had actually been present at the making of these Laws. But *Waldhere* had succeeded *Ercunwald* before the end of King *Sebbe*'s Reign, and *Sebbe*'s Reign continued not beyond this Year 693. *See Bede*, *L.* 4. *c.* 2.

Ibid. *In Note* [a], *for* second, *read* fifth.

To Note [d] ibid. *add*, *Text. Roff.* hath æpe in the Introduction, but 'tis left out in Law 1.

Ibid. *Law* 4. Text. Roff. *says* LX Shillings, *not* XL.

In Note on the same Law, *for* Lester, *read* Lesser.

Ibid. *To Note* [i] *on Law* 6. I take ȝaþol-ȝylden to signify properly the Tenant to a Plough-land. See 734. the Note to *Ecgbright*'s first Answer.

Ibid. *Law* 11. *for* worth, *read* rated at.

To the word Tenant *add this Note*, Here is meant Tenant to a Plow-land.

Ibid. *To Note* [c] *on Law* 12. Text. Roff. has it thus, ⁊ bÿþ on anþacan, which I thus turn. And he (that is, the accused Party) shall be on the Disproof, or Purgation.

Ibid. *To Note on Law* 13. *add*, I find some look upon Church-Scot, or Church-Seed, and Tythes, to have been the same. But upon this supposition, I can see no reason why Men should be order'd to pay it for the House in which they lived at *Christmas*. And farther, some Saxonic Laws or Constitutions make distinct Provisions

for the paying of Tythes, and Church-Scot, and order it to be done at several times: Thus 1009, the 10th and 11th Constitutions of *Eanham*, require Tythes to be paid at *All-hallows*, Church-Scot at *Martinmas*.

A. D. DCXCII.

In Note d *to the Sax. Pref. lin* 21, 22. I granted that no Historian mentions this Council. But I have lately observed, that one of our best Historians, *Eadmer*, does expressly speak of it in the Life of Archbishop *Bregwin*, in these Words. " King *Wihtred*, at the Instigation of " Archbishop *Bribtwald*, did in a General Council or- " dain, that all the Churches of his Kingdom should be " for ever freed from all Domination and Exaction of " Kings, or other earthly Potentates.

Article 1. *for* Minister, *read* Minster.

In the Italick Postscript to King Wihtred's *Grant*, &c. *for* onýtingan *read* onytingan.

A. D. DCXCVI.

In the Italick Preface to King *Wihtred*'s Dooms, in Answer to the Objection concerning *Gibmund*'s Name, add, *No Man doubts but King* Ine's *Laws are genuine; yet if we had had no other Copy of those Laws but that in the* Text. Roff. *(and we have no other Copy of* Wihtred's *Laws, but that in this same MS.) we must have been content to take them as they there stand with* Ercunwald's *Name interpolated. Yet I suppose no Historian will dispute it, but that* Ercunwald *was dead before King* Ine *made his Laws, and probably before his Accession to the Throne.*

Ibid. *As to the Name of the Month, it is clearly* Rugepner *in the* Text. Roff. *Sir* H. S. *could have raised no doubt in this point, if he had inspected the MS. Nor were ther any grounds for his Copier to hesitate about it. I am still of Opinion that* epner *stands for* August. *As for the three first Letters, I have nothing that I can think worthy to*

offer to my Reader on that head; unless he will suppose it was originally Rirgenner, i. e. *Rye-Harvest. For it is no uncommon thing in the Saxonic to double the* i, *and double* u *was unawares turn'd into* u.

Ibid. *In the Sax. Preface to King* Wihtred's *Dooms, add this following Note*, Mr. *Somner*'s Emendations agree with the *Text. Roff.* saving that the *Text.* has ȝeheahtenblic, not ȝeþ—— yet I think Mr. *S*'s Correction to be very apposite.

Ibid. *Doom* 3, *add this Note*, Text. Roff. hath ȝenaman. Yet I stand by *Somner*'s Emendation; especially because the Text hath ȝemanan in the fourth Doom. In the Note on this Doom read —ope not —oþe.

Ibid. *Doom* 4. Text. Roff. clearly þræþe mæn, þræþe is evidently one word.

Ibid. *Doom* 7. Text. Roff. Biþcopeþ bom, beyond all doubt.

Ibid. *Doom* 8. *Text. Roff.* hath not læþ before læþnerre, and has habbe, not nabbe.

Ibid. *Doom* 9. *after Note* c *add*, Ther is is a small Interstice between æþþ, and ænbe in *Text. Roff.* So ther is between several Syllables, which yet certainly make but one word; as for instance, between Lincoln, and an in the first Doom, which was the occasion of Sir *H. S*'s making these Points ∴ between the former and latter part of the word.

Ibid. *Doom* 10. Mr. *Somner*'s Emendations here agree with *Text. Roff. Read the beginning of the Law thus*, If any one that is a Slave does any servile Work, *&c.*

Ibid. *Doom* 12. aþaþe has the last Syllable somewhat disjoin'd from the rest of the word in *Text. Roff.* yet I stick by my Translation. The MS hath clearly peopc, not —þe.

Ibid. *Doom* 15. *Note* *, *Text. Roff.* hath heopum, and þþiȝne (as it ought to have been printed in that Note.)

Ibid.

Ibid. *Doom* 20, 21. Ther is a Transposition of the Clauses of these Laws in *Text. Roff.* too odd to be clearly described in a few words. Sir *H. S.* has clearly set it right; and the MS. itself gives dark Marks or *Items* of the true series of the words. But it is to observed, that ther are no Numberings nor Breaks in the MS, (save one in the Transposition) therfore Sir *H. S.* used his own Discretion in putting those words at the beginning of the 22d Doom, which I think to belong to the 21st.

Ibid. *In Note* [i] *on Doom* 21, *for* Dister's Epist. *read* Dissert. Epistolaris, meaning Dr. *Hickes*'s famous Treatise in the second Volume of his *Thesaurus*.

Ibid. *To Note* [d] *on Doom* 26. *add*, Text. Roff. hath ȝeȝange.

Ibid. *To Note* [k] *on Doom* 28. *add*, I am confirm'd in my Opinion, that this Law makes the Person, that meets the Stranger in this case, his Judge and Executioner; because the parallel Law of King *Ine* does so. The former part of *Ine*'s Law is the same with this, save that after *Roads* it adds ȝeonȝ þuȝu *through the Woods*. But the words of *Ine*'s Law, after *put to Death, or ransom'd*, are as follows, *If a Weregild be demanded for the Party slain, he may answer that he kill'd him for a Thief.*

A. D. DCCXXV.

After Sax. in the Margin add, Sir *H. S.* Vol. 1. p. 206.

To Note [a] *on the Saxon Preface to* the Laws of Satisfaction *add*, All Mr. *Somner*'s Emendations of these Laws or Rules, to the best of my Observation, agree with the *Text. Roff.* save that in the last Clause but one the Text hath meȝemunȝe not —mize.

A. D. DCCXXXIV.

In the Italick Preface, lin. 13. after thirty Years together, add, *Therfore from this time forward the Kingdom of* Northumberland *is to be esteem'd a distinct Province from that of* Canterbury.

ADDENDA, &c.

Ibid. *To Note on Answer* 13 *add*, The Reader is to observe, that the Impotence here spoken of, is such as is not natural, but accidental, proceeding from some present bodily Disease, and from which the Party might afterward recover. If the Impotence were natural, there had been no occasion for the Party in this case to promise Continence; nor had *Ecgbriht* shew'd himself less strict in this point than other Casuists: For natural Impotence certainly dissolves Marriage, as to the Bond as well as Bed, or rather it proves it null from the beginning.

Ibid. *Add this Note to Question* 5. By *a corrupt Priest*, we are here to understand such an one as was afterwards called *Irregular*; that is, who took Orders while he was under some Canonical Impediment: As for instance, if he had before done publick Penance, if he had enter'd into a forbidden Marriage, if ther were any defect in his Body, or in his Birth.

Ibid. *In Note to Answer* 7. *lin.* 3. *for* usurp *read* seize.

A. D. DCCXL.

Excerpt. 28. *Note* c *at the end add* before Daylight.

Ibid. *Excerpt.* 38. *in Note there dele* Calvin, &c.

Ibid. *Excerpt.* 48. *in Note there lin.* 10. *read* get quiet Possession. In truth he never got Possession of his former entire See of *York*, but only of one part of it. It does not appear that Appeals to *Rome* were at all allow'd hitherto in the Province of *Canterbury*.

Ibid. *Excerpt.* 70. *after* freed *add* Persons.

Excerpt. 78. *In Note there add*, See Numb. xxv. and 1 Maccab. ii. 23--25.

Immediately after the 162d *or last Excerpt. add this Note*, Whereas in this and several other Canons, a Fast of five and of seven Lents is enjoin'd; we are thereby I conceive to understand a Fast of forty Days at a time to be assigned by the Prelate, or Confessor. For no Church, or private Men did ever, I conceive, observe more Lents than three in one Year, as stated solemn Fasts. But *Ecgbercht* the British Recluse in *Ireland*, is said to have fasted forty Days after *Pentecost*, and again forty Days before *Christmas*, as well as the common Lent before *Easter*, *Bede l.* 3. *c.* 27. Of those other occasional Lents

Lents for Penitents, they might make as many as they pleased.

In the Preface to the Excerptions, as in CCCC MS. for *Example of Suppliers*, read *Example of Superiors*.

A. D. DCCXLII.

Line 37. in the Preface, after *Kings*, add, *and Popes*.

A. D. DCCXLVII.

Before Note [a] *belonging to the Preface, add Totta* of *Leicester*, *Huita* of *Lichfield*, and *Podda* of *Hereford*, are styled *Mercian* Bishops: *Milred* and *Alwick* had their Sees within the *Mercian* Kingdom, yet they were not called *Mercian* Bishops. However, by this it appears that at, and before this time, *Theodore*'s Division of the *Mercian* Diocese took effect.

To the Note on the 17th *Canon of* Cloves-hoo *add*, The manner of *Augustin*'s being sainted is no where discover'd to us. But it is reasonable to suppose, that it was done by the Inclination and Consent of the Clergy and People only. The Editor of King *Alfrid*'s Life, who cannot be suspected of Disaffection to the Authority of the See of *Rome*, declares, that the first Instance of Canonization by the Pope, which he had observed, was that of *Swibert* of *Nottingham*, performed by the Pope at the Instance of *Charles the Great*, and in his Presence, *A.D.* 803. It is not improbable that this too was a Fiction; especially because it is confess'd, that *Innocent* the second, and *Alexander* the third, were the first Popes that assum'd this Privilege as peculiar to themselves, and they both reigned in the twelfth Century. This Writer farther says, that Archbishops first took this Work of canonizing Saints out of the hands of the People; but he gives no instances of this sort. The Monk who wrote the Life of King *Offa*, tells of a Proposal made in a great Council at *Verulam*, that a Petition should be offer'd to the Pope for the Canonization of *Alban*, though he owns that he had been sainted long since; and indeed *Bede* gives him the Title of a Saint an hundred Years before. For this Council is said to have been held in the

the Year 793. *See Sir* H. S. *p.* 309, 310. & Vita Alfredi M. *pag.* 171. *in Marg.*

Ibid. *To Canon* 21. *add this Note*, What effect this Canon had in our Province I know not. But it is sure that in the other Province, the Monks of *Lindisfarn*, who had hitherto contented themselves with Water and Milk, did about ten Years after this first begin to drink Wine, *Spelm. p.* 289.

Ibid. *To Note* 8 *on Can.* 28. *add*, yet it seems to have been otherwise in the other Province. *See* DCCXL. 15.

Ibid. At the End, *The Postscript to this Council after Can.* 30. *beginning N.B. should have been printed in Italick, because it is no Translation, but my own words.*

A. D. DCCLXXXV.

In the 18th *Can. of* Cealchythe, *lin.* 29. *for* —nos *read* Manoe.

Ibid. *Can.* 19. *lin.* 5. *for* Sacrifice *read* Scarify.

Ibid. *In the Latin PS. to this Council, lin.* 9 *and lin.* 10. *from the end, for* their *read* your.

Ibid. After the Postscript to this Council add, Higebert *did not survive this Council much above one Year; before he obtained a Settlement of the Primacy at* Lichfield *he certainly died. But* Aldulf *his Successor had the Primacy over six Dioceses besides his own, confirmed to him by the King and Pope, which he enjoyed eight or nine Years. Yet the Monk of St.* Albans *raises* Higebert *from the dead seven Years after this, and makes him present at the Council of* Verulam, *in the Figure of an Archbishop, with two of his Suffragans, though he changes his Name to* Humbert. *As we have sufficient Proof that this is false History, so it were much to be wish'd that what follows were so too*; viz. *that King* Offa *was by his great secular Men, as well as by his Bishops, advised to go to* Rome, *in order to procure the Pope's Consent and Authority for founding and endowing the Monastery of St.* Albans. *He was certainly*

certainly driven thither by the sting of his own Conscience, for the Murder and Rapine which he had committed, and for which he hoped to find a more effectual Cure at Rome *than he could in* England: *For he was possess'd with the Disease of the Age, a superstitious Devotion to the See of* Rome; *and the great Men, as well as Bishops, sooth'd the Dotage of their King. However, he is said to have obtained the Privilege from the Pope, that no* Englishman *should be obliged to go in Pilgrimage to* Rome *by way of Penance for his Crimes, that is, as I take it, by going to the Monasteries of* Peterburgh, *or St.* Albans, *they were discharged from all Obligations to travel to the* Limina Apostolica. *Yet* Charles the Great, *now Emperor, in his Letter to this King (which he scarce lived to receive) promises Protection to* English *Pilgrims going through his Dominions towards* Rome. *This must have been written in the Year* 794. *For the Emperor mentions Pope* Adrian's *Death, and says he had sent a* Dalmatic *to every Bishop in* England, *and a Present to each Metropolitan, to induce them to pray for the Soul of* Adrian, *which yet, he doubted not, was happy, and at rest.* Sir H. S. pag. 309——315.

A. D. DCCXCVI.

In the Italick Preface, lin. 4. from the end, after *England, add, Unless you will take in* Wittern *in the Shire of* Galloway *in* Scotland, *which was then a Bishop's See, but belonged to the Kingdom of* Northumberland.

A. D. DCCCIII.

After the first Paragraph of the Italick Preface add, *I find some worthy Gentlemen still of Opinion, that* Cliff *(so it should be spelt) in the Hundred of* Hoo, *was not unhealthy in the Age when these Councils are reported to have assembled at* Cloves-hoo. *For the cause of the present*

ſent unwholſomneſs of the Air, they juſtly conc
have been the Receſs of the Sea from that
which they ſuppoſe to have happen'd ſeveral A
ter. But the Text. Roff. *contains a demon*
Confutation of this Suppoſition. For therein
tain'd a Donation of Ecgbert *(ſome write bin*
fert) *King of* Kent, *bearing date* 778. *by wh*
grants a place call'd Bromhege *to the Church*
Andrew's Rocheſter; *and* Bromhege *is there*
ded on Eaſtan Cliſt-wara gemær, *on* Weſtan
linga gemær; *and this* Bromhege *it ſelf*
there to be aquâ penè undique circumperfuſa.
bert *Archbiſhop is witneſs to this Donation. Th*
Year the ſame King makes an addition to this
tion, and thus deſcribes it. Bromhege, antea
traditæ adjiciam Mariſcam pertinentem ad a
& ad aquæ ripam Jaenlade habentem quaſi qui
ginta jugerum. *It is therfore indiſputable th*
Sea had made its receſs from this Shore in the
Century, and that Cliff *had the Marſhes*
then, as at preſent, and was therfore altogeth
for a ſtated Place of Synod. As Cliff *in* Ho
never a place of great Note it ſelf, ſo it lies,
ver did lie out of the Road to any place of Not
is indeed a Pariſh moſt ſingularly exempt;
Incumbent is the Archbiſhop's immediate Sur
But the Reader may ſatisfy himſelf that this
Proof that Cliff *was for this reaſon a*
Place, by looking into a Reſcript of Walter
nolds *Archbiſhop of* Canterbury, *dated* 131
Somner's *Antiq. of* Cant. *p.* 354.) *For by*
appears, that the Rectors of eighteen Churches,
teen of which lay in the Dioceſe of Canterbur
the exerciſe of all ſpiritual Juriſdiction within
ſeveral Pariſhes, till the Archbiſhop by that R
extinguiſhed their Privileges. And as none
Pariſhes there mention'd were places at that tim
nently remarkable, except Maidſtone; *ſo ſ*

Them, *as* Monkton, Adisham, Ickham, Westwell, Woodchurch, Wittersham, *are as private and unsorted places as most in the Diocese. I am persuaded that whoever considers the occasions of the several Synods held at* Closes-hoo, *and the Persons were present, will discern sufficient cause to believe, that all these Councils were held in* Mercia. *It seems probable that this Town lost its old Name upon occasion of the Abby or Monastery's growing so famous as it did in the Age after this; for no one can doubt but the present Name was taken from the Abbey. The first Memorial in which I find this place call'd* Abindon, *is the Remains of the Council of* Kirtlington, *held* 977. *for re-establishing the Monks at* Abindon, *and to give leave to People to go in Pilgrimage thither.* Sideman, *Bishop of* Kirton *in* Devonshire *died at this Council, and was buried at* Abbindon, *by King* Edward *and Archbishop* Dunstan's *order, though he had desired to be laid in his own Church.* Spelm. p. 493. Closes-hoo *is a Name that occurs not after this time.*

A. D. DCCCXVI.

In Lat. Preface to this Council, read Eadulf Bishop of *Lindsey*, or *Lincoln*, so *Lindiffarorum* often signifies. The great similitude of Names occasion'd this Mistake.

To Note on Wulfred's *fifth Canon add*, I am sensible that after Dioceses were settled in *Scotland*, the Bishop of St. *Andrews* was always esteem'd the first Bishop of that Kingdom: And in the Letter written to *Eadmer* (who was nominated to that See, but never possess'd of it) by *Nicolas*, Prior of *Worcester*, about the Year 1123. It is said that the Bishop of St. *Andrew's* was *Summus Pontifex Scotorum* (A. S. p. 235. Vol. 2.) yet he never had the Power of a Metropolitan till the Year 1472, when *Patrick Graham*, then Bishop, first obtained the Pall, as his Successor *Spotswood* testifies in his History of the Church of *Scotland*, pag. 58. It is true, the *Scots* in

in *Ireland* had not yet Archbishops; but 'tis most reasonable to understand this Canon of the *Scots* in *North Britain*.

Ibid. *Can.* 9. *lin.* 12. *for* your Archbishop, *read* the Archbishop.

A. D. DCCCLXXVII.

In the first Paragraph of the Italick Preface to King Alfred's *Laws, read* Asserius *and* Grimbald, *and the same Emendation of the first Name is to be made elsewhere.*

Ibid. *Law* 2. *lin.* 3. *Brompton*'s Latin, and the Copy of these Laws in *Text. Roff.* omits *non* or *ne*; and the Sense runs clearer without it: *therfore so* does not concern, *read* concerneth.

To Note d *on the same Law add*, *Text. Roff.* hath þeoþrcýpe for þeoðrcýpe, and so *Brompton*, or the Author of the *Forval* Translation read it.

Ibid. *Law.* 3. *Somner* in his Dictiouary renders Mæþ-penninge *merus Nummus*, good Money, *not Mercian* Money.

Ibid. *To Note* e *on Law* 4. *add Text. Roff.* saith ȝeýnne oþþe ȝeæþn.

To Note g *on the same Law add*, *Text. Roff.* hath ȝebodȝe for ȝebeoden, *then it should be render'd* commit him to his Relations, *or* charge them with him.

Ibid. *To Law* 6. *lin.* 6. *add this Note*, for naþhť *Text. Roff.* hath aþuhť, the sense is the same. But this would shew that this MS was written after the double Negative was laid aside, if we had no other Evidence of it.

Ibid. *To Law* 7. *add this Note*, In *Text. Roff.* this makes part of Law 16. and the sense is much what the same (though the series of the words is different) save that the Adulterer's Mulct is LX Shillings in *T. Roff.* but XL here.

Ibid. *Between Law* 7 *and* 8, *another Law ought to have been inserted, which makes the* 16 *in* Text. Roff. *and which here follows.*

If

ADDENDA, &c.

If a Man be dumb, or deaf, so that he can neither deny, nor confess his Sins, let the Father make Satisfaction for his Misdeeds.

Ibid. *In Note on Law* 9. *dele* Chron.

In *Note* [d] *on Law* 12. *dele* Rendition. *Text. Roff.* hereruns thus, peopp man to handa, ⁊ eal þ he mid him hamep bpohc. *forte* Let him be seized, and all that he brought into the House with him; that is, all the Personal Estate which he had before he was possess'd of his Benefice or Place in the Monastery.

Ibid. *Law* 13. *Text. Roff.* hath hyde instead of eopen. *According to this the middle Clause should be render'd*, If a Man-slave force a Woman-slave, let him make Satisfaction with his Hyde; that is, let him be well scourged.

Ibid. *To Note* [h] *on Law* 17. *add*, On ꝑolc was here by oversight omitted in the Translation, which is therefore thus to be alter'd, *viz.* If any Man without leave take down the holy Veil [which hangs] before the People in Lent, *&c. Text. Roff.* hath ꝑyhc, instead of ꝑyrc, through mistake, I doubt not.

Ibid. *Law* 17. Text. Roff. hath ꝑoꝺ boꝺ for ꝑonbôꝺ.

Ibid. *Law* 20. *dele Note* [b], *and instead therof put what follows*, The meaning of the first part of the Law I take to be this, that on these Days ther should be a *Justitium*, or Non-term, or that all Proceedings at Law against Freemen should cease during these Times; but that notwithstanding this, Slaves and Villains might be corrected, or call'd to an Account by their Lords on these Days.

To Note [c] *add*, Text. Roff. ꝟynhtum.

To Note [e] *add*, The English in these Ages had a Tradition amongst them, that Pope *Gregory*'s last Prayer was, "O Saviour *Christ* receive my Spirit, and I beseech thee, "that what Man soever keeps my Mind-day on Earth, "do thou avert all Disease from his House. Let not "the Fiend, nor the Destroyer, nor Hunger, nor Pesti-"lence approach him". What *Bede* in his Latin calls

Dies

Dies Depositionis Cuthberti, his Translator tuns, ȝemynde-dæȝe, and forþfore, his Mind-day, or Decease, or *Obiit*. Therfore it may be doubted, whether *Gregory*'s and *Cuthbert*'s Day were proper Festi for every Man of Note had his Mind-day observed, is, certain Obsequies or Services performed in behal his Soul at the end of every Month, or Year. Yet bably none were continued so long as *Gregory*'s now been, except he were a reputed Saint; for Gre had now been dead above 250 Years.

A. D. DCCCLXXVIII.

At the end of the Italick Preface to the Lw of King *Alfred* and *Guthrun* add, *Yet it is* m *probable that the renewal of these Laws by* K Edward *and* Guthrun *is an Interpolation.*

Ibid. *Law* 11. *Text. Roff.* hath fyrne for fyrn *this may signify* to hasten them off the Earth.

Ibid. *In Note on Law* 12. *lin.* 3. *for* subjoined to the Laws, *read* subjoined to the Memorials of King *Eth stan*, DCCCCXXVI. N° 2.

A. D. DCCCCVIII.

In Margin after Lat. add Sir H. S. Vol. 1. pag. 389.

At the end of the Italick Postscript add, *Th I see no other reason to alter the date of this remarkable Call of Bishops, and erecting of new Sees; yet I am free it should be removed to the Year after this, that I may have one Chronologer with me in this Point, I mean* Radul. de Diceto. *The Saxon Chronicle does indeed say, that* Denulf *Bishop of* Winchester *did not die before this Year; but he might be driven from his See, and ther is reason to believe he was so, many Years before. As for* Asserius, *ther is nothing so uncertain as the time of his coming to, and leaving the See of* Sherburn; *and some doubt, whether he was ever Bishop of that See. The Saxon Chronicle as to this point is an uncertain Evidence,*

Evidence, and therfore none at all; so that the supposition of these two Sees being full till the Year 909 *is of no force. In truth, if the Sax. Chron. do at all take notice of* Asserius's *death, it is in the Year* 910. *And in this particular no one follows or agrees with this Chronicle, (compare the two Editions of the Saxon Chronicle at the Year* 910, *and observe the difference.) However hard to be adjusted the Chronology and the Succession of the Bishops of* Winchester *and* Sherburn *are at this time, yet I see no reason to doubt of the main Facts, and particularly that the Sees of* Wells, Kirton *and* Cornwall *were now erected, and filled with Bishops. It is said that the* Cornish *People till this time opposed the Apostolical Decrees, that is, they were not in Communion with the Church of* Rome, *or* England, *but with the* Welsh *and* Irish *Church.*

A. D. DCCCCXXV.

The Tything mention'd in this Saxon Preface, must have been only an occasional Tything (not paying a stated yearly Tenth) and probably to be given in Alms to the Poor.

To the Note on King Ethelstane's *fourth Law, add,* Ther are also Coins of Archbishop *Plegemund* still extant, with a Pall on the reverse. And the Northern Coins with this Inscription, *viz. Moneta Sancti Petri,* are believed by good Judges to have been minted by Authority of the Archbishops of *York*, whose Church is dedicated to St. *Peter*. For ther is no ground to believe, that they were intended for the Payment of the *Rome-Scot*, or *Peter-Pence*. And it is to be observed, that this Privilege of Mints was not now first granted to the Archbishops. *Plegemund*, whose Coin we now mention'd, was dead before the date of this Law; *Ceolnoth* was dead fifty Years before. The Archbishop of *York* could not receive the Privilege of coining from this Law; for his See and Province was under the Governvernment of a *Danish* Monarch. I conclude, that therfore

fore the Archbishops, and some other Bishops enjoy'd this Royal Privilege by immemorial Custom.

Ibid. N° 8. *lin.* 10. *add after* it boils, Let the Caldron be made of Iron, Brass, Lead, or Clay: This is not only in the St. *James*'s *Lat.* but in the *Text. Roff. Saxonic.*

In the next line, for Fist *read* Wrist.

Ibid. *lin.* 19. *instead of* let them humble themselves, *&c. the* Text. Roff. *says*, ⁊ heora ælc abýrge þæt hatige water, and let every one taste of the Holy Water. The St. *James*'s Translator read abugn for abýrge. And either, or both of these Readings may be true; for by the terms of Ordeal publish'd from the *Text. Roff.* (pag. 909. of the Append. to *Fasciculus rerum*) it appears that the Holy Water was tasted by every one present, and afterwards sprinkled on them by the Priest.

Ibid. *From* reveal the Truth, *to* on the third Day, is wanting in the *Text. Roff.*

It seems probable to me that what comes between, was now added by King *Ethelstan* and his Council, and that the rest was a Law of King *Alfred*; for we have so much of this Memorial as is above hinted immediately after the Laws of *Ine* and *Alfred* in *Text. Roff.* From which I can't but take occasion to say, that it seems probable to me, that if our Saxon Ancestors had this Practice among them before their Conversion to Christianity, yet it was so little used before the *Danes* got footing here, that we may reasonably presume it would never have prevailed to that degree it did, if those barbarous People had not mingled themselves with our Ancestors, and either first introduced, or at least revived this senseless Superstition. These *Danes* had for a hundred Years together been settling themselves on our Northern and North-Eastern Coasts, before the practice of Ordeal grew rife in *England*; therfore I am willing to impute the Prevalency of it to these Invaders. Considering the universal Ignorance that had spread it self over the whole Nation in those Ages, it is well we did not receive the whole System of Heathenism from them.

Ibid.

ADDENDA, &c.

Ibid. No 9. *Note* f, My second Thoughts upon this Matter are, that Testamental Servants, were such predial Slaves or Villains as had a Property, and might therfore dispose of what they had by their last Will or Testament.

A. D. DCCCCXXVI.

Add this Note to King Ethelstan's *second Memorial*, The last Paragraph of this Memorial is in *Text. Roff.* after King *Ethelstan*'s Gepæner (for Gepæbnerre) and some other matters. The Saxonic agrees exactly with this Latin, and immediately foregoing this in the *Text. Roff.* is the third Memorial concerning the Availment of Oaths. My Translation says, the Mass-Priest and the Secular Thanes Oath are the same: the Saxon expresses it thus ȝeȝealþ eren-byne, therfore the Latin should be *reputatur æquè carum*. Ther is somewhat added both in the Saxonic and Latin, of the sense wherof I am not sure, but I suppose it to be this; If one rated at 120 Shillings is to be [impeach'd so as to be brought to Purgation] he is fully impeach'd by six common Men. The Sax. word is þnæcan, which I have express'd by the words enclosed in hooks.

Ibid. *In Note on King* Ethelstan's *Memorial* 4. *for* Tribe *read* Friburgh.

A. D. DCCCCXLV.

Law 1. *of King* Eadmund, *the words* my place of Residence; *and again*, *Law* 3. *the words* Protection in my Family, may best be explained by a Saxon Note in the *Text. Roff.* among the Memorials of King *Ethelstan* just before mentioned, "*viz.* The King's Protection shall be from the "Gate of the Burgh where he is resident, from "thence on the four Quarters of him to afar; "that is three Miles, and three Furlongs, and "three broad Acres, and nine Foot, and nine "Shaffmets, and nine Barleycorns". *N. B.* A Shaffmet is a measure from the top of the Thumb set upright to the extremity of the Palm, about six Inches in a tall Man.

ADDENDA, &c.

A. D. DCCCCL.

In the Italick Preface, and the last Page thereof, after every Priest, add (*or rather to every Deanery, or Gild of Priests: for it seems probable, that the Gild by degrees grew into a Rural Deanery.*)

Law 56. *read* Fulloc, and Frum-tale.

A. D. DCCCCLVII.

Can. 5. In the Sax. read pleoh, *not* þl——.

Can. 6. *begins at* This seems strange.

Can. 21. *add at the end of the Canon*, And let him take care that they be well written.

At Note c, *put the latter book of the last Parenthesis after* Eucharist, *and for* Almanack *read* Kalendar.

Can. 22. *In the Note* f *read* to ꝥen.

Can. 27. *dele Note* a.

Ibid. *Can.* 34. *Note* i, *read* ꝥpnæcum.

Can. 37. *Note* a, I have also since observ'd the same Name given to it in *Chron. Sax.* 1137. and the learned *Marshall* in the place there referr'd to, agrees that it is the same with the Latin *die parescentes*, and adds, *non longa oratio est* lang gebeð, *Luc.* xx. 47.

A. D. DCCCCLX.

Can. 9. *The word turn'd* Parish, *is in the Saxon* Shrift-shire.

Ibid. *Can.* 33. *Note* d, *put* & *after* subumbilicalis, *not before.*

Ibid. *Can.* 64. *add this Note*, Though hunting is here forbid to Priests, yet it seems it was allowed to Bishops. For among the *Jura Ecclesiæ Cant.* A. S. Vol. 1. p. 88. it is said that the Archbishop shall have the best Nag of the Bishop of *Rochester*, when he dies, and his Kennel of hunting Dogs; and the King shall have the same of the Archbishop of *Canterbury*, when he dies.

A. D. DCCCCLXIII.

In the Note a *on Can.* 6. *thus, read* ꝥynhta, *not* þuhta.

Ibid. *Can.* 10. *lin.* 2. *for* he be, *read* be he.

Ibid.

ADDENDA, &c.

Ibid. In the PS. lin. 9. read, *His not mear-ing*, &c.

A. D. DCCCCXCIV.

Read the last Sentence of the first Paragraph of the Preface, *They are found in the same Volume with his Sermons, which he confesses*, &c.

A. D. DCCCCXCIV.

C. 3. *read* your Bodies, *not* the Bodies.

Ibid. *c.* 9. *at end of Note* [c], *read* ꝺeop, *not* ꝺeop; *and Note* [f] oꝼep-ꝼꝼege.

A. D. MIX.

Thus read the three last Lines, being touched with the Love of God and Man, have recorded the same for the Memory of Posterity, and for the Souls Health of them that are, and are to be.

A. D. MXIV.

Law 1. Compare the Note [c] here with Note [a] on Answer 1, DCCXXXIV, where I suppose a Plowland to have been under thirty Acres in *Bede*'s time. When I say it is sometimes sixty Acres, sometimes double that quantity, I fear this ought not to be applied to the Age of King *Ethelred*, but rather to that of *Richard* I, and the following times.

To Note [d] *add*, or to one belonging to any Family at large, then the Master of the Family is the Lord.

Ibid. *Law* 2. *Note* [f], *four Lines from the end, read* September 29, *not* 27.

A. D. MXVII.

Law 5. *to Note* [c] *add*, In the *Text. Roff. pag.* 222. we have an account of what Devotions and Alms the Convent there was to perform for their Mates in other Monasteries, when they died, with this Inscription, *Quid pro defunctis sociis facere debemus*. Then it begins by setting down what must be done, " For the Monks of *Christ-* " *Church Canterbury*, *viz.* seven entire Offices, *Verba* " *mea* (the fifth Psalm) for thirty Days, every Priest seven

" Masses, others [fifty] Psalms. For the Monks of
" St. *Austin*, the Apostle of the English, three Offices
" in the Convent. For the Nuns of *Mellinges* (*Malling*)
" as much as for the Monks of *Christ-Church Canter-*
" *bury*. For the Monks of St. *Martin* of *Battel*, three
" Offices in the Convent, without *Verba mea*. Every
" Priest seven Masses, others [fifty] Psalms, and let
" three poor Men be entertained one Day ". Most of the great Monasteries in *England*, many of those beyond Sea, have a certain tale of Masses, Psalms, or other Devotions there assigned, to be perform'd at the Death of any of the Religious of those Houses. By this we may perceive in some measure, how the Monks (I mean the best of them) spent their time. The Priest that broke this fifth Law of *Cnute*'s, forfeited his right to these Devotions, which his Mates would otherwise have performed for him at his Death; and all Assistance likewise, which they might give him, while living.

A. D. MXVIII.

After Sax. in the Margin, at the beginning of the Laws, add, Sir *H. S.* pag. 552.

Law 16. *For the* Pillory, *read* the Heals-fang. *See* DCXCVI. 12, 13.

A. D. MLXIV.

After Lat. *at the beginning of the Laws, in the Margin, add*, Sir *H. S.* pag. 619.

Ibid. *Law* 3. *to Note* [a] *add*, When I speak of the two Jurisdictions being separated, I desire to be understood, as meaning that the Bishops holding a Court distinct from that of the King, Alderman, or Sheriff, did there hear and determine temporal Causes, as well as spiritual. For so he certainly did (as appears by Law 5.) in case the Defendant, or both Parties were Ecclesiastics. *See* MXVIII. 14. DCCCCLX. 7.

Ibid. *Law* 8. *to Note* [c] *add*, To me the anonymous Monk of *Winchester* seems to give the most natural account of this matter, especially because he plainly took it from some written Evidences then extant in his own Church. " *Edulf*, Son of *Egbirt*, A. D. 837. became " King of *England*; he had been Subdeacon in the Church

" of

" of *Winchester*, and because King *Egbirt* had no other
" Heir, he was forced to accept of the Kingdom: He
" tythed all the Land of his own Demean, and gave
" the tenth Hide to the conventual Churches in every
" Countrey. He made a Restitution of the whole en-
" tire Land of *Chiltcumb* to the Church of *Winton*, un-
" der the name of a Tenth, in lieu of one single Hide,
" which the Kings *Kinegils*, and *Kinewalch* had former-
" ly given, but which had been alienated from the
" Church between their time and his, *A. S. Vol.* 1.
" *p.* 289.

By way of Postscript to these Laws (so called) of *Edward* the Confessor, add, *Though I have not here inserted the thirty first of these Laws, as publish'd in* Wheloc; *yet I think it just to inform my Reader, that the* Bishop's Priest *is thereby entitled to ten Shillings, as his share of the Forfeiture incurr'd by breaking of the King's Protection. It is generally agreed, that by* Bishop's Priest *is meant the Rural Dean: And perhaps by* Chapter *in the third of the foregoing Laws, we may justly understand the Clergy of the Deanery assembled under him as their President. Very egregious Mistakes have been committed by a famous Antiquarian, in relation to these Officers call'd Rural Deans. He supposes them to have been the same with the Arch-Presbyters of the seventh and eighth Century, which may be confuted by looking into the Decretal,* L. 1. Tit. 24, 25. *He will have them to be the* Decani Christianitatis, *for which he produces no manner of proof; he affirms their Antiquity to be much greater, and their Office more honourable than that of Archdeacons; whereas I take it to be certain in fact, that ther was no such Office as that of Rural Dean, at least not in* England, *till this eleventh Century, whereas Archdeacons had long before some sort of Jurisdiction.* See DCCCCL, 6. *among the Laws of the Priests of* Northumberland. *Mr.* Somner *gives us seven Archdeacons of* Canterbury *in the ninth Century,* Antiq. of Can-

terbury, p. 300. *Granting ther were Rural Deans before the Conquest, yet ther is no proof of it from these Laws, which are not of the greatest authority, especially as to times before the real making them, which appears not to be certain. This Writer produces no Argument for Rural Deans being more honourable than the Archdeacon, and I take it for certain that he had none; even the Archpresbyter was inferior to the Archdeacon by the Decretals above cited, much more the Rural Deans. And even the seventh Canon of the Council of* Tours *cited on this occasion by our great Antiquarian, forbids the Bishops and Archdeacons to farm their Jurisdictions to Deans for an annual Rent, which at once shews the Office of the Deans there mention'd, and their inferiority to and dependence upon the Archdeacons. Our Antiquarian calls this the* abolishing the Privilege of Rural Deans. *This was in the Year* 1164. *without proving that Rural Deans ever had the Probate of Wills, and Cognisance of Matrimonial Causes legally, or canonically committed to them; he complains that the Archdeacons deprived them of the first Privilege, and Archbishop* Langton *of the other; whereas in truth they only check'd them as Usurpers of these Privileges. In one point indeed he degrades these Rural Deans, for he makes them to be the* Testes Synodales; *when it is evident the* Testes Synodales *were Laymen assigned by the Bishop to swear that they would present all Scandals. See* Causa 35. Quæst. 6. *c.* 7. *It is true* Lyndwood *cites* Joannes Andreas *an Italian Canonist, for saying that these Deans were* Testes Synodales, *as he cites other Doctors sometimes for saying very absurd things. They had no Rural Deans in* Italy; Andreas *had heard we had them here in* England, *and that they were used to delate Offenders. Because this was the part of* Testes Synodales *in* Italy, *therfore he calls them by that Name. This lead Mr.* Somner *into the Mistake, and this great*

Antiquarian

iquarian after him. I shall mention no more of great Man's Mistakes on this head; but ther are remaining grosser than those here specified. He himself more able to correct them than I am. And wish he would for the Love of Truth.

A. D. MLXV.

Law 2. *at Note* e *read* Yve, *not* Yoe, and——Ildefon-, *not*——fongas.

bid. *Law* 8. *before Note* f *add*, Mr. *S.* in his MS otes on *Cap.* 64. of King *Henry* First's Laws, proves *Juramentum observatum*, or *cum verborum observan-* was with the *Normans* an Oath taken in a precise rm of words, *Juramentum planum* the contrary.

INDEX

INDEX

TO THE

FIRST VOLUMI

Advertisement to the READER.

In this Index *the greater Number every where denotes Sets or System of Answers, Laws or Canons, bearing Date Year signified by that Number.*

The lesser Number shews the particular Answer, Law or non, referred to. If ther be no lesser Number, 'tis because Memorial referred to has no Division, or is very short.

If ther be a third Number not exceeding 6, as ex. DCI DCXXXIV. 16. *it refers to a Sub-division in those Places ly; in others it denotes another Answer, Law or Canon, the same Set.*

Pf. *denotes the Translator's Preface,* Pf. *his Postscript to Set. If* Lat. *or* Sax. *be added, it signifies the Preface or P script translated from the original* Latin *or* Saxon.

The same Figures refer to a Law, Canon, &c. *and to Notes on that Law,* Canon, &c.

A

ABbindon. *See* Cloves-hoo.
Abbess, to share in the Weregild for the Murder of Nun 693, 6.
by whom to be constituted 692, 3.
her Duty as to the Nuns and Estate 747, 4.
to take care that Nuns read much 747, 7.
Abbesses present in a publick Council 692, *Pf. Sax.*
Abbot, by whom to be constituted 692, 3. 785, 5.
to share in the Weregild for the Murder of his M 693, 11.

his Qualifications 692, 3. 785, 5.
sometimes a Lay-man Abbot 734, 12. 747, 5. 696, 18.
to be subject to Bishop, and obey his Summons 740, 60.
his Behaviour regulated 740, 63.
may not free his Slave 740, 70.
his Duty as to the Monks and Estate 747, 4.
to take care that Monks use reading 747, 7.
not to receive more Monks than he can maintain 747, 28.
to be chose by Bishop and Monks 816, 4.
how, and in what Case they might alienate Lands 816, 7.
is of no proper Order 957, 18.
Absolution, the manner of it 963, 1, 13, 76.
Acolyth, his Order and Office 957, 14.
Adultery, how punish'd 602, 6. 877, 7. MXVIII. 21.
committed by marrying to one divorced 747, 118, 119, MS. 84, 85.
they who are guilty of it, to be gone out of the Land 1018, 6.
Adulterer may be kill'd by the Woman's Father 1018, 6. 1065, 6.
Alderman, the Governour of a large District, one or more Counties 693, *Pf. Sax.* and 12. 692, 3.
fighting in his Presence, how penal 877, 9.
Breach of Suretyship with him, how penal 877, 3.
lesser Alderman 877, 16.
Aldulf Archbishop of *Lichfield* 785, *Pf.*
reduced to the State of a Suffragan 796, 803, *per tot.*
Alfred the Great, King of *West-Saxons*, his Character 877, *Pf.*
Alms to be given, but not as a Substitute for Fasting, or to get Indulgence in Sin 747, 26, 27.
the Reverse to this 963, 72——77.
King *Ethelstan*'s Alms 925, 1.
given by the People, distributed by the Priest 960, 55.
upon a Bishop's Death 816, 10. 940.
to be given on Fasting Days 994, 38.
Alms-Deeds of all sorts allegorized 994, 32.
Altar, Slaves freed there 696, 9.
Oaths of Purgation there made 696, 18—24.
to be of Stone, and anointed 740, 51.
the divine Son not to be invoked there 740, 53.
if it be taken away, the Church to be re-consecrated 740, 139.
the Name of its Saint to be inscribed on it 816, 2.
the Furniture of it 957, 22.
not to be used, till hallow'd 960, 31.
all things about it to be clean and comely 960, 40.
Altar-Thane. *See* Church-Thane and Priest.
Amber, a Measure unknown 925, 1.

INDEX.

Anathema against runnagade Clerks refusing to return 740,
against such as marry Nuns, Sponsors, *&c.* 740, 129.
against all incestuous Marriages 740, 132—135. 785,
against him that lies with two Sisters 740, 136.
against them who sell Christians to Jews or Heat
740, 149.
against Monks that marry 747, 24.
against such as encroach on Monasteries 816, 8.
Apostates, sturdy Out-laws, and Excommunicates.
to be driven out of the Land 1018, 4.
the Punishment of sheltring them 1018, 30.
Appeals to the Archbishop, from him to Synod 740, MS.
to *Rome* 740, 48, MS. 1.
not to other foreign Churches, or Heretics 740, MS.
Archbishops, where their Sees first fix'd, how alter'd 679,
& per tot.
Archbishop of *Canterbury*'s Right in constituting Prela
692, 3.
particularly to fill vacant Sees 679, 4. 680, 3.
the chief Bishop of *Britain* 696, *Pf. Sax.*
the only Archbishop in *England* for 100 Years 6
Pf. and 4.
might consecrate Churches, *&c.* in any part of his Province 816, 11.
deprived of his Authority 816, *Pf.*
his Province divided, but united again 785, *Pf.* 79
803, *per tot.*
had of old two Minters or Coiners 925, 4.
Archbishop of *York*, *Paulinus* the first, *Ecgbright* the second
679, *Pf.* 734, *Pf.*
had of old the Privilege of coining Money 925, 4. *Addend.*
made Profession of Obedience to him of *Canterbury*
796, *Pf.*
had of old two Minters or Coiners 925, 4.
Archbishops of old not so strictly confined to Rules of Discipline 740, *Pf.*
the Burden of their Office 747, *Pf.*
none of old among the *Scots* 816, 5.
Breach of Suretyship with them, how penal 877, 3.
fighting in their Presence, how penal 877, 9.
their Family a Friburgh 1064, 14.
Forfeiture for Thefts committed on them 1065, 2.
Archdeacons to take care that Prisoners have Relaxation on Sundays 740, 105.
had Power of suspending Priests 950, 7.
their Edicts not to be violated by Priests 950, 6.
Arles in *France*, *Augustin* said to be consecrated there 601,
Pf. and 7.

Athelard

INDEX.

thelard Archbishop of *Canterbury*, recovers his dismember'd Dioceses 796, 803, *per tot.*
ugurius. *See* Sorcery.
ugustin first Archbishop of *Canterbury* 601, *per tot.*
to live with his Monastic Clergy 601, 1.
had Power to make a Missal, or Liturgy 601, 2.
his Authority over Bishops 601, 7.
Sainted, and his Feast enjoin'd 747, 17.

B

achelors, either to marry, or profess Chastity 740, 113.
to be admonish'd to communicate 747, 23.
adam, a Place of Council 1014, *Pf.*
aptism of a big Woman 601, 8, 1, 3.
proper Seasons for it 601, 8, 3. 785, 2. 740, 10.
of Children used 601, 8, 3.
Penalty for not baptizing a Child 693, 2.
valid, though done by Usurpers of Holy Orders 734, 5.
to be denied to none that want it 740, 40.
why called Sacraments plurally 740, 41.
not to be performed with Wine 740, 42.
to be done by Immersion or Affusion 740, MS. 95.
the whole Nation deprived of it 816, *Pf.*
not to be given for Money 957, 27.
not to be deferred above thirty Nights 693, 2.
not to be deferred above thirty seven Nights 960, 15.
not above nine Nights 950, 10.
aptistery, a Book 957, 21.
astards not inheritable 785, 16.
ells in Churches 816, 10. 960, 45.
ells of *Pater Nosters* 816, 10.
rhta Queen of *Kent* 601, *Pf.* and 2.
ishops, how they were to divide Oblations 601, 1.
how mutually to behave themselves 601, 7.
how to officiate 601, 2.
to entertain Strangers 601, 1.
how many might ordain a new one 601, 6.
Penalty of robbing a Bishop 602, 1.
whole College of *English* Bishops 673, *Pf. Lat.* 679, 4. 747, *Pf. Lat.* 803, *Pf.* 816, *Pf. Lat.*
not to invade each others Diocese 673, 2. 816, 11.
not to molest Monasteries 673, 3.
Monk Bishops 673, 4.
not to officiate in a strange Diocese without Leave 673, 6.
to take Place according as they were ordain'd 673, 8.
too few Dioceses and Bishops 673, *Pf.* and 9. 679, *per tot.*

Bishops, how to be elected 692, *per tot.* 742, *Pf.*
their Habitation 693, 6.
Penalty of breaking Promise plighted before Bish
693, 7.
of breaking his House 693, 12.
of killing his Godson 693, 14.
his Word valid without an Oath 693, 17.
had a distinct Court in *Saxon* Times 734, 10. 690,
a Council to determine the Satisfaction due for h
Death 734, 12.
to have a House for receiving Strangers 740, 26.
to sit above Priest in Church, on a Level with the
elsewhere 740, 27.
principal Care of Church and divine Service rests o
them 740, 28.
if chaste, they are Confessors 740, 28.
forbid subintroduced Women 740, 31.
for what Crimes to be deposed 740, 33.
required to preserve Unity among themselves 740, 3
816, 3.
not to pass rash Excommunications 740, 49.
not to ordain another Bishop's Clerk without Cons
740, 50.
to give Alms to the Poor 740, 55.
not to follow secular Business 740, 57. MS. 15.
the Penalty of lifting a Weapon before a Bishop 740,
877, 9.
to depose Abbots with Consent of neighbouring A
bots 740, 63, 64.
manner of their Ordination 740, 96.
how to be tried 740, 141.
cannot alienate without Consent of Clergy 740, 14
to wear no Weapons, nor contribute to any M
Death 740, 154, 156.
their Duty represented 740, MS. 5. 747, 1.
to lay aside Care of Family, Diet, Furniture,
740, MS. 15.
to have great Care of the Church 740, MS. 21.
Uniformity in Religion press'd upon them 747, 2.
to visit their Parishes every Year, and preach 747,
785, 3. 943, 3.
to visit the Monasteries 747, 5.
to take care that reading be used in their Families 747
to lay before the Archbishop their Difficulties, and pu
lish Acts of Synod 747, 25.
charged to reprove the greatest Men 785, 3.
Abbots to be elected with their Consent 785, 5.
to ordain none without a Title, or insufficient 785,

Bish

ishops conferr'd with their Clergy in Provincial Synods 747, *Pf. Lat.* 785, *Pf. Lat.*
hoped for Forgiveness of Sin by explaining Canons 816, 1.
how, and in what Cases they might alienate Land 816, 7.
to take Account of synodical Decrees concerning their Parishes, and the Year of the Lord then current 916, 9.
on the Death of a Bishop, what Alms, Manumission of Slaves, and Devotions to be done 816, 10.
Breach of Suretyship with him, how penal 877, 3.
had Power to dismiss Nuns from their Monastries 877, 6.
sate in County-Court, though not always 877, 16. 958, 7. 1018, 8.
King and Bishop's Testimony conclusive 877, 18.
King to have the better, Bishop the worse, of an incestuous Couple 878, 4.
in what Case he might permit him that suffer'd Loss of Limb to be cured 878, 10.
their vacant Sees to be forthwith fill'd 908.
to pay an occasional Tything to the Poor 928, *Pf. Sax.*
to be Almoners to the King in their several Shires 925, 1.
to levy Amercements on contumacious Reeves 925, 7.
to instruct Men in Orders, and secular Judges 925, 9.
to inspect Weights and Measures, *ibid.*
to assign what Work is to be done by Servants, *ibid.*
all the Bishops combine into a Gild 949.
to see to the Repair of Churches 944, 5.
to help Priests in repelling Wrong 950, 1.
in what Case his Consent dissolved Marriage 950, 54.
should often confer with Clergy 957, *Pf. Lat.*
difference between them and Priests 957, 17.
what Marriage disqualified Men for this Order 957, 7.
to levy Mulcts on Judges 958, 6.
Penance for murdering them 963, 11.
they have the Order of *Aaron* 994, 1.
to assist Priests in reclaiming Sinners, *ibid.*
their mutual Intervention 1009, 1.
none else could turn out a Priest, *ibid.*
Bishop to have the Satisfaction for laying violent Hands on Priests 1018, 13.
they were Judges of Ecclesiastics in capital Cases, 1018, 14.
Judges of Purgation in case of Murder 1018, 27. and of Ordeal 1064, 19.
Penalty of breaking Suretyship with Bishop 1018, 28.
by opposing Church Rights *Vi & Armis*, the Man forfeits his Hands to the Bishop 1018, 19.
to prosecute in his own Court, such as have incurred Forfeitures

Forfeitures to him 1064, 3.
Bishop, Satisfactions due to him, to be levied by King's Authority, *ibid.*
his Messenger sent to a Temporal Court, may claim to be heard in a Cause relating to the Church, before any other Cause 1064, 4.
no Church Tenant to be sued in any Court but the Bishops 1064, 5.
Manbote due to Bishop for murdering his Man 1064, 11.
Bishop's Family a Friburg 1064, 14.
Forfeiture to him for Theft 1065, 2.
Bishopricks in *England* at several Times 673, *Pf. Lat.* 673, 4. 747, *Pf. Lat.* 803, *Pf.* 816, *Pf. Lat.* 908.
how created 673, 9.
Blood not to be eaten 960, 53.
Boniface, Bishop of *Mentz*, Account of his Letter to Archbishop *Cuthbert* 747, *Pf.*
the Day of his Martyrdom solemnized 747, *Pf.*
Book of Canonical Edicts sent to King *Offa* by *Charles* the *Great* 785, 4.
Books of divine Service, the *Romish* used here from the beginning 734, 16, 2.
Priest might have the Mass-Book before him, and read the Canon 960, 33.
and ought to have his Books truly written, if not fairly, *ibid.*
the Books of publick Service reckon'd up 957, 21.
to be carried to Synod 994, 4.
Borsholder 693, 6.
Boys in Monastries to learn Book, as well as labour 747, 7.
to be admonish'd to communicate 747, 23.
Breach of Covenant with the King, or others, how punished 877, 1, 3.
of Vow or Promise to God, how to be tried 877, 14.
Bread for Eucharist, how to be baked 994, 5.
Holy Bread, beside that of the Eucharist 960, 43.
Breviary. *See* Hours.
Bridegroom to forbear his Bride the first Night 740, 88.
Bridges to be repaired 1009, 22.
Brightwald, Archbishop, deprives *Wilfrid* of the See of *York* a second time 680, 3. and *Pf.*
British Easter 673, 1.
British or *Welsh* Bishops, subjected to *Augustin* 601, 7.
not to be appeal'd to by *English* 740, MS. 2.
Burghmote, how often to be held 958, 7.
Burial solemn, and on holy Ground, not allow'd to Self-Murderers, nor Malefactors 740, MS. 96. 963, 24.
nor to Adulterers 963, 27, 28.

nor

nor to false Swearers 925, 7.
nor to Ecclesiastics, who had broke the Vow of Chastity 944, 1.
nor to them who contracted unlawful Marriage 950, 52.
nor to them that left Wives, and took others 963, 27.
nor to them that defile Nuns 950, 53.
nor to them who could not say Creed and *Pater noster*, 960, 22.
who might be buried in Churches 960, 29.

C

anons, a Book of them produced and received in Synod 673, *Pf. Lat.*
of the six first general Councils, *&c.* received 785, 4.
Collectors of Canons into Codes 740, *Pf.*
such old Canons call'd Canon Law, before Pope's Canon Law was made 747, 26.
how to be read by none inferior to Priests 740, *Pf. Lat.*
anon (that is, the consecrative Part) of the Mass might be read in Book 960, 33.
anonical Hours, or Breviary. *See* Hours.
anons, or Canonics, regular Clergy-men, distinct from Monks 785, 4.
to have Dormitory, *&c.* and to live chastly 1009, 1.
anterbury, the first City where *Augustin* and Christianity was received 601, *Pf.* 943, *Pf. Lat.*
the Primacy not intended at first to remain there 601, 7.
yet was afterwards settled there by Pope *Gregory* 679, 6. 803, *Pf. Lat.*
Theodore first Primate of all *Britain* 680, *Pf.*
the Primacy of this See disliked by the *Mercians* 679, 4.
the Liberties of this and other Churches confirm'd 692, 742.
seven Dioceses dismember'd from it by King of *Mercia* and Pope 785, *Pf.*
those Dioceses restored, and Primacy finally fix'd there 796, 803.
seven Minters there 925, 4.
an Academy there of old 673, *Pf.*
no Synod ever assembled there 692, *Pf.*
ardinals, who so call'd of old 679, *Pf.*
astles to be repair'd 1009, 22.
atechising Children at Baptism 747, 11.
alchith, a Place of Synod 785, *Pf.*
oldred King of *Mercia*, no Friend to Church 747, *Pf.*
elnoth Archbishop of *Canterbury*, discountenanced Monks 957, *Pf.*
sate the longest of any in that See 693, *Pf. viz.* 40 Years.

Chalice and Patten, not to be made of Horn 785, 10.
of Wood 957, 22.
to be molten, or made of Metal 960, 41.
Eucharist to be celebrated in no other Vessels 957, 37.
to be used for no other Purpose but the Sacrament 994, 18.
Chapters Rural, Protection to those who attend them 1064, 3.
Charms. *See* Sorcery.
Chichester, a Minter there 925, 4.
Children may be baptized as soon as born 601, 8, 3.
to be baptized within the Month 693, 2.
to be baptized within thirty seven Nights 960, 15.
within nine Nights 950, 10.
to be baptized on any Doubt that they want it 740, 41.
to have the Eucharist given them at the same time 740, 41. 740, MS. 95.
not long to remain unconfirm'd after Baptism 960, 15.
might be made Monks or Nuns by Parents 740, 92, 93.
and then ought always so to remain, *ibid.*
to be whipp'd till fifteen, afterwards to make Restitution for Theft 740, 94.
to be carried to the Priest for Baptism, if sick 957, 26. 994, 17.
to be taught Creed and *Pater noster* 960, 17.
to have the Goods of intestate Parents 1065, 5.
Chilling. See *Feversham* 692, *Ps.*
Chrism, a Composition of Oil and Balsam blessed by the Bishop, to be used in Baptism.
to be fetch'd at the Time appointed, *viz.* Passion Week 878, 3.
Instructions given by Bishop on that Occasion 957, *Ps.* and 37.
Priests on that Occasion to give Account of themselves 960, 67.
Christian Religion, the Penalty of rejecting it 878, 2.
Christians not to Judaize 740, 146. 785, 19.
not to observe Pagan Rites 740, 147, 148.
not to be sold to Jews or Pagans 740, 149, 150. unless they forfeit themselves 1009, 6.
not to clip their Hair like *Barbarians* 740, 151, 1018, 3.
not to abuse Horses, or scarify themselves 785, 19.
not to be condemned to Death for Trifles 1009, 7.
to avoid unrighteous Copulation 1009, 8. 1017, 6.
of all Degrees exhorted to their Duty by King's Council 1017, 18—26. 1018, *Ps. Sax.*
Church not to gain by the Sins of Men 601, 3.
to exercise Discipline with Moderation 601, 5. 725, *Ps. Sax.* 963, 3.
its Lands freed from Taxes 692, 2. 696, 1. 943, 1.

except

except for Expeditions, Bridges and Castles 742.
unjust Taxes not to be imposed on her 785, 14.
not to be deprived of her Revenues 943, 1.
the Church's Protection to be first regarded, then the King's 1017, 2.
Causes concerning Church first to be heard in King's Court 1064, 4.
hurch Rights firmly establish'd 1009, 4, 7.
the Penalty of opposing them by Violence 1018, 19.
hurches, that is, religious Edifices, Penalty of robbing them 602, 1.
Penalty of breaking their Peace, or Protection 602, 1. 1009, 9.
Reparation of them by a publick Council 692, 1018, 29.
to continue as founded 692.
not to be deprived of Tythes of old belonging to them 740, 24.
nothing to be lodged there but what belongs to them 740, 35. 994, 8.
they who sin there to be slain there 740, 78.
the Consecration and Reconciliation of them 740, 139.
all of them under the Bishop's Power 740, MS. 22.
not to be robb'd for Fault of Prelates 740, MS. 41, 42.
breaking into them, how penal 925, 2.
Merchandise not to be made of them 950, 20.
to be preserved from Dogs, Swine, and all Indecencies 960, 26, 27.
who may be buried in them 960, 29.
for no use but Prayer and Mass 994, 10.
Mass to be celebrated no where else 994, 11.
not to be brought into Servitude 1009, 9.
new ones to be erected, when too many Tombs in the old one 994, 9.
often to be visited with Lights and Offerings 1009, 30.
Men not to prate, sit up, and drink there 957, 35.
Churches of several Degrees of Dignity 1017, 3.
secular Courts held there 1064, 10.
had Right to half the Treasure found in them, or in Church-yards 1064, 13.
their Lands, when they first paid Tax of Danegeld 1064, 11.
hurch Tenants to be sued no where but in the Ecclesiastical Court 1064, 5.
hurch-Scot, when and how to be paid 693, 4, 13. 944, 2. 958, 2. 960, 54. 1009, 12. 1014, 4. 1017, 10.
hurch-Thane. *See* Priest.
hurch-yards, the Rise of them consider'd as burial Places 740, 25.

Clergy, or those of the inferior Orders, (at least it rarely includes the Priests.)
their share in the Oblations 601, 1.
their Behaviour 601, 2.
some supposed to be married 601, 2.
Clerk, Penalty of robbing him 602, 1.
not to leave his Diocese 673, 5.
if he does, not to be received without his Bishop's letters 673, 5.
his Purgation from any Impeachment 696, 19.
how not to read Canons 740, *Pf. Lat.*
to be obedient to Bishop, and not conspire against him 740, 58, 59.
not to violate Sepulchres 740, 74.
hurting him, how penal 740, 75.
not to eat till he hath said an Hymn, *ibid.*
how to be tried 740, 140.
not to testify against Lay-men 740, 144.
not to wear long Hair or Beard 740, 452. 740, MS.
not to go to Church without the Colobium 740, 15
not to bear Arms 740, 154, 160.
not to sit Judge on Life and Death 740, 155, 156.
to learn Arts as well as Letters 740, 157.
the Affectation of secular Apparel forbidden th 747, 28.
in capital Cases to be tried by Bishops 878, 3.
to live canonically for the Honour of the Bishop 94
to be true to their worldly Lords 960, 1.
how to go to Synod 960, 3.
to sing thirty Psalms on an extraordinary Humilia 1014, 2.
they were under Protection of God and Church 106
Coin. *See* Money.
Cloves-hoo, a Place assigned for Synods 673, 7.
not *Cliff* in *Kent* 803, *Pf.*
Colobium 740, 153.
Communicants, their Oaths of great Weight 693, 9, 696, 23.
Communion. *See* Housel, Mass, Eucharist.
Concubine, he that dismisseth her, and takes a Wife bla 740, 125.
keeping Concubines unlawful 740, 125, 960, 21.
to have a Wife and Concubine, or two Wives, 1 penal 963, 27, 28.
Confession. *See* Shrift.
the manner of doing it to the Priest 963, 1—10.
they who died without it, not to be pray'd for, 785, 20, *&c.*

the Benefit of confessing to Priest, and to God alone, 994, 30.
capital Sins to be confess'd, and what they are 994, 31.
when, and how to be made 994, 36.
Frequency in it enjoin'd 1009, 20.
not to be denied to Malefactors 1017, 15.
onsecration of a Church, when to be renew'd, when not 740, 139.
how to be perform'd 816, 2.
Saint's Name to whom the Church is dedicated, to be written on the Walls 816, 2.
ontumacy, or Contempt of Authority, requires deep Satisfaction 750, 46, 55.
onversion, taking a Coul, and becoming a Monk 673, 4. 747, 24.
ornwall, a Bishop's See there 908.
orporal, or *Corporas*, a fine linen Cloth for the Sacrament 960, 33.
orsned, a sort of Ordeal 1017, 5.
ouncil. *See* Synod.
ounty-Court. *See* Sunday.
how often to be held 958, 7.
ross used in swearing 734, 3. 785, *Ps. Lat.*
carried before Priest in Procession 747, 16.
Decrees and publick Acts ratified with the Sign of the Cross 785, *Ps. Lat.* 796, 803, *Ps. Lat.*
what is so signed to remain inviolable 816, 6.
adored 957, 37.
rown of a Clergy-man, or Monk. *See* Tonsure.

D

anes invade *England* 816, 7. 877, *Ps.*
anegeld, a Tax laid for repelling *Danes* 1064, 11.
ancings, obscene, forbid 1009, 21.
acon, the Penalty of robbing him 602, 1.
his Purgation 696, 18. 734, 3.
of what Availment his Testimony was 734, 1.
not sufficient to prove a Nuncupative Will 734, 2.
when ejected, not to be received till he submits 734, 4.
forbid subintroduced Women 740, 31.
what Marriage disqualified for this Order 740, 32. 740, MS. 79.
to continue in the Title to which he was ordained 785, 6.
not to be ordain'd before 25. 740, 91. 740, MS. 13.
not to bear Arms 740, 154, 160.
to say thirty Psalms on extraordinary Humiliation, 1014, 2.

Deyvnaw carries his Cause, & Plaintiff app
Call 816, 6.
Deposition for Violation of Sepulchres 740, 7
for Murder 740, 161.
for engaging in secular Business 740, M
in what Case irrevocable 740, MS. 73.
for encroaching on Monastries 816, 8.
for habitual Drunkenness 740, MS. 74.
for Treason against King 785, 12.
for decoying a Servant to Lewdness 9
for the Priest neglecting to baptize a Ch
for attempting to get another's Church
for any grievous Crime 1018, 12.
Death of the Man 747, 17.
Nativity of the Martyr, *ibid.*
Devil-Worship. *See* Offering to Devils.
Dice forbid to Priests 960, 64.
Dioceses. *See* Bishopricks.
Divination. *See* Sorcery.
Divorce, when allow'd 673, 10.
by Consent for temporary Impotence 7
clearly allow'd for Adultery only 740,
whether the innocent Party might marry
740, 119, 122.
Doom-Book, that is, the Book containing the
stical and Temporal, the Weregilds,
ther Penalties on Offenders 696, 5. 9
1014, 8.
Dummoc, that is, *Dunwick* in *Suffolk*, an old
803, *Pf.*
Dunstan Archbishop of *Canterbury*, an Enem
ried Clergy 957, *Pf.*

E

Eadhed made first Bishop of *Lincoln*, and removed 679, *Pf.* and 4.
Ealridfrid King of *Northumberland*, opposes the Pope and *Wilfrid* 680, *Pf.*
Eanham, *Ænham*, *Ensham*, a Place of Council in *Oxfordshire* 1009.
Earls, Counts, chief Noblemen among the *Saxons*, superior to Aldermen 692, 3.
their Purgation 696, 20.
Easter, when to be kept 673, 1. 740, 37.
Easter Week to be kept as the Lord's Day 740, 134.
the four first Days of it to be observed 957, 37.
how to prepare for keeping it 994, 36.
Easterns. *See* Orientals.
Ecclesiastics, that is, Bishops, Clergy, Monks, Canons and Nuns.
committing Crimes among Lay-men, to be punish'd by them 734, 8.
to lose what they got by suing in secular Courts 734, 10.
to avoid Drunkenness, and not fit to drink before Nones 747, 21.
to be always ready for Communion 747, 22.
not to eat privately 785, 9.
King, Earl and Bishop, their Advocates, if drawn into a Crime 878, 12. 926, 4.
their Behaviour to each other 960, 2.
not to let their Beards grow 960, 47.
King to be their Advocate, if drawn into a Crime 1018, 11.
to be judged by Bishop for Crimes against secular Laws 1018, 14.
Adultery a great Crime in them 1018, 21.
Ecgforth anointed King in his Father *Offa*'s Life-time, and taught his Duty 785, 11.
Ecgfrid King of *Northumberland*, thrusts *Wilfrid* from his Diocese 679, *Pf.*
disobeys Pope, and imprisons *Wilfrid* 680, 6.
Edgar King of *England*, an Enemy to married Clergy 957, *Pf.*
yet his Zeal inflamed by *Dunstan* 958, *Pf.*
his Penance for deflouring a Nun 963, *Pf.*
Edward King and Martyr, his Feast observed 1017, 17.
Edward King and Confessor's Laws, how collected by Conqueror 1064, *Pf.* 1065, *Pf.*
Edwin King of *Northumberland*, an Encourager of Christianity 679, *Pf.*
Edwy, King, a Countenancer of the married Clergy 957, *Pf.*

I N D E X.

Election of Bishops and other Prelates 992, 3. 742, *Pf.* 1:
785, 5.
Elfric, Archbishop of *Canterbury*, the Grammarian 85
Elmam, or *Helmam* in *Norfolk*, an old Bishop's See 803,
Ember Weeks 734, 16 *per tot. & Pf.* 747, 18. 1009, 16.
Wednesdays, *Fridays* and *Saturdays*, in these Weeks, a
lowed to Slaves 877, 20.
Ernes, the Month *August* 696, *Pf.*
Ethelbald, a vicious King of *Mercia* 747, *Pf.*
Ethelbert, first Christian King of *Kent* 601, *Pf.* 602.
Ethelred King of *Mercia* opposes *Theodore* 679, 4.
King of *England* driven into Banishment, but retur
1014, *Pf.* and 7.
Ethelstan, King of *England*'s Charity in giving 925, 1.
in forgiving 926, 1.
Ethelwolf King of *West-Saxons*, a Clergy-man, and great B
nefactor to the Church 877, *Pf.*
what he gave 1064, 8.
Eucharist given to Children at Baptism 740, 41. 740, MS. 5
Bread of it offer'd by the People 785, 10.
not to be received without Advice of a Priest 785,
994, 44.
Use of it in consecrating Churches 816, 2. *See* Hou
Exceter, a Place of Synod 925, 7, 8. 926, *Pf.*
two Minters there 925, 4.
Excommunication Clerical, or against Clergy-men or Bisho
for leaving their Diocese 673, 5.
for Uncleanness 696, 4.
against those that receive them 673, 5. 740, 6. 734
against Priests who deny to give Baptism or Penan
740, 40.
annual, against Bishops who take away Church Go
740, 71.
against Clerks who go into Church without the *Ron*
Tonsure 740, 153.
or the Colobium 740, 158.
or that communicate with a condemned Bishop,
740, MS. 73.
or that are guilty of Detraction toward their Superi
740, MS. 75.
for decoying another's Servant to Uncleanness 963,
for being Complice in any great Crime 1017, 5.
for withstanding the Bishop's Sentence 950, 45.
Excommunication against Laymen.
for Uncleanness 696, 3.
for usurping holy Orders, or accepting the Ministrati
of such 734, 5.
for violating Sanctuaries, or Men in Orders 740, 75

for going out of the Church in Sermon time 740, 84.
for cutting the Hair like Barbarians 740, 151. 740. *MS.* 67.
for using the Habit of the other Sex 740, 153.
for using Sorcery 740. MS. 66.
for communicating with a condemned Bishop 740. MS. 73.
for with-holding Church Rights 944, 2.
for bereaving a Man of his Wife 963, 32.
for forcing a Woman 963, 33.
for Perjury, or bearing false Witness 994, 26, 27.
for selling Men to Foreigners 1014, 5.
for debauching one's Slave, or keeping a Concubine 1018, 25.
xcommunicates, how to be treated 740, 162.
no one to pray, or eat with them 740. MS. 70.
not to be received by another Bishop 740. MS. 71.
the Penalty of sheltering them 1018, 30.
said to be outlawed by God, if obstinate 1018, 4.
while they were going for Absolution they were protected 1064, 3.

F.

amilia 734, 1. 1009, 1. *See* Plough-land.
asts solemn 734, 16. 943, 9. 950, 50. 958, 5. 1017, 15, 16.
not to be broken under pain of divine Wrath 740, 107.
to be uniformly kept after the Roman Pattern 747, 13.
till Noon, or three Afternoon 747, 13.
till after Evensong 994, 39.
Mulcts for violating them 696, 15, 16. 878, 8. 1017, 17.
Oaths and Ordeal forbid on Fasts 878, 9. 960, 24. 1009, 15——18.
To abstain from Wives on such Days 960, 25. 994, 43
of *Friday*, when intermitted 957, 37. 1017, 16. 1009, 17.
Uniformity in them injoined 960, 48.
made meritorious by Alms 960, 49.
to abstain from Cheese, Eggs, Fish and Wine was the most perfect Lent-Fast 994, 40.
Lent-Fast not redeemable 994, 37.
all Suits and Quarrels then to cease 994, 42. 1009, 15——18. 1017, 17. 1064, 3.
no Flesh then to be eat 696, 15. 1018, 17.
None enjoined from *Easter* to *Pentecost* 1017, 16.
'ast, occasional in troublous Times, injoined by King, and Great Council

on Bread, Water and Herbs 1014, 2.
Fasting, enjoin'd by way of Penance for Sin
not to be bought off by Almsdeed, Psalmody, &c. 747, 26, 27.
may be so bought off 963, 72.
Saying of a rich Man on this 747, 27.
to reserve first Meal for Supper not fasting 994, 3.
See Penance.
Feasts solemn to be strictly observed 943, 9. 950, 5. 958, 5. 1017, 14, 15.
on which a Non-term 877, 20. 960, 23. 1009, 15——18.
Oaths and Ordeal forbid on all Feasts 878, 9. 960, 2.
to abstain from Wives on those Days 960, 25.
Uniformity in observing them enjoined 960, 48.
St. *Gregory*'s and St. *Augustine*'s enjoined 747, 17.
two of old to St. *Michael* 1009, 2.
All Saints removed *ibid.*
St. *Edward*'s and St. *Dunstan*'s enjoin'd 1017, 17.
double Satisfaction for Crimes committed on the Days 1018, 18. *See* Sunday.
Fighting, Penalties on them that are guilty of it 693, 877, 9.
in Countrey Court 877, 16.
Finchall, a place of Council 816, 7.
Flatterers to be gone out of the Land 1018, 7.
Fleet, Provision for equipping of it 1009, 22, 23.
Foreigners, Weregild for them how to be shared 693, 4.
to mend their Lewdness, or to get them gone 696, 1018, 26.
Foreoath to be made by Thane before the Priest be brought to Purgation 926, 4.
Fountains and Rivers not to be worshipped 960, 16. 1018
Fraternities. *See* Gilds.
Freebooters. *See* Robbers.
Freeman, his Penalty for working on *Sunday* 693, 3. 878
not to be sold over Sea 693, 8.
Friburg 926, 4. See *Gebeorscype*.
Frankincense 960, 43.
Friday. See *Fasts*. *Long-Friday* 957, 37.
Frith-Year 950, 48.
Frumtale and *Fulloc* 950, 56.

G.

Gaol, or Imprisonment.
for Priests that refuse Baptism or Penance 740, 40.
for strouling Monks 740, 62.
for apostatizing Sodomite Monks 740, 62.

for Sacrilege 740, 73.
for Clerks not submitting to Law 878, 3.
for the Priest that gets another's Church 994, 16.
Gebeorscype, a Tything, or Society of ten Freemen that had a Family 693, 6.
Gilds, voluntary Societies combined for mutual Benefit of the Associates 625. *Ps.* Bishops combine in a Gild 940. and Priests 950, 1. 960, 9.
Loss of this a Punishment 950, 2—45. 1017, 5.
from hence probably the Rise of Rural Deaneries 957. *Ps.*
Goal, (as mis-spelt) *See* Gaol.
Godfather. *See* Sponsors.
Grathea, a Place of Council 925, 7.
Greeks, within what degrees they allow'd Marriage 601, 5.
Gudrun, or *Guthrun* the *Dane*, reduced by King *Alfred*, and baptized 878, *Ps.*
Gregory the first, Pope of *Rome*, his Character 601, *Ps.*
enjoined the Romish Service *ibid.*
and the Ember Weeks 734, 16, 1, 2.

H.

Habam, a Place of Council 1014. *Ps.*
Habit of Priests 943, 4.
for officiating 957, 22. 960, 46.
Hair, not to be scandalously shaved 960, 20. *See* Priest, Monk, Pagan, Tonsure.
Hampton, two Minters there 925, 4.
Harlots. *See* Whores.
Hastings, two Minters there 925, 4.
Hatfield, a Synod there 673. *Ps.* 679. *Ps.*
Hatfield, a Bishop's See 803. *Ps.* the same with *Sidnacester*.
Healsfang 696, 12, 13. 1009, 31.
Heathen and Heathenism. *See* Pagan.
Hedda, sole Bishop of *Mercians* 679, 4.
Hedde Bishop of *Winton*, *Theodore's* Favourite *ibid.*
Hereford made a Bishop's See 679, 4. *Herudford*, *Hartford*, a place of Synod 673. *Ps.*
Heresfride a reproving Priest 747. *Ps.*
Hexham, *Hagulstade* or *Hagustald*, made a Bishop's See 679, 4.
Hilda the notable Abbess 673. 1. 680. *Ps.*
Hirman 1014, 1.
Hospitality of Bishops 601, 1. 673, 6.
of Bishops and Priests 740, 26.
of all to all comers 994, 25.
Hours Canonical, and the Service then perform'd by Priests, Clerks

Clerks and Monks 740, 28. 747, 15.
to be observed in every Church 785, 7. 950, 38. 957, 19. 960, 45.
how to be said in Passion Week 957, 37.
the English Names for them 957, 19.
Housel, that is the Sacrifice, or Eucharist 925, 5.
not to be given to Men half dead 957, 31.
the Sanctity thereof assign'd as reason for Priest's Celibacy 957, 7.
not to be consecrated on Good Friday 957. 37.
not to be kept from *Easter* over Year *ibid.*
nor till it be too stale *ibid.*
to be denied to them who cannot say Creed and *Paternoster* 960, 22.
to be taken fasting 960, 36.
to be burnt, if corrupted 960, 38.
to be reserved with Care 960, 38, 42.
to be received every Sunday in Lent, every Day in Easter Week 994, 41.
thrice a Year 1009, 20. 1017, 19.
with what Preparation 994, 44.
some Minster Men, *&c.* were always prepared for it 944, 44. *See* Eucharist.
Hunting forbid to Priests 960, 64.
forbid to all on Sundays 1009, 15.
Husbands, when to abstain from their Wives 601, 8, 4. 740, 106, 109. 960, 25. 740. MS. 81.
on what occasion to bathe 601, 8, 6.
in what case they need never abstain from Wives 601, 8, 6. 740, 110.
may marry one Month after Wife's Death 740, 16.
divorcing a Wife may not take another 740, 120-122.
whether this may be done with Bishop's Consent 740, 122.
may marry again if his Wife be taken captive, but on what condition 740, 123.
in what case Marriage is dissolved by consent 950, 54.
lying with his Slave, or keeping Concubine, how punish'd 1018, 25.
might make Assault, if he saw a Man under one Cover with his Wife or Daughter 877, 18.

I.

Janbyrht, or *Lambert* Archbishop of *Canterbury* suspected, and ill treated by King *Offa* 785. *Pf.*
Idiots are to have all religious Offices minister'd to them 740, 81.
Jewish Practices are forbid 740, 146.

Jews are under King's Protection 1064, 15.
Image Worship not introduced in times of *Charles* the Great 785, 4.
yet prevailed in King *Alfred*'s time 877. *Pf. Sax.*
Imprisonment. *See* Gaol.
Incendiaries, such as set Houses *&c.* on Fire, how punish'd 925, 3.
Incest forbid 601, 4, 5. 673, 10. 740, 145. 1018, 22. 943, 7.
the sorts of it particularly specified, *ibid.* and 740, 126—135.
Incestuous Marriages were not utterly annull'd upon Conversion 601, 5.
utterly annull'd, and a new Marriage allow'd 740, 126.
the separated Couple not to dwell in one House 740, 127.
the Persons of the incestuous Couple forfeited to King and Bishop 878, 4.
Ine King of *West Saxons* grants Peter-pence 693. *Pf.*
Infants. *See* Children.
Interdict, a Prohibition of administring and receiving Sacraments.
inflicted on this Nation 816. *Pf.* 908.
John of *Beverley* a Saint, took share of *Wilfred*'s Diocese 608. *Pf.*
John, Patriarch of *Constantinople*, styled himself universal Bishop 601. *Pf.*
John, Precentor of St. *Peter*'s *Rome*, his Business here 673. *Pf.* 679, 7—9.
Irregular, that is, Bishops or Clergymen ordained under some Incapacity, or that officiated when under Censure 950, 3.
in what case never to hope for Indulgence 740. MS. 73.
Judges Temporal, their Duty 785, 13. 1014, 8.
to be distress'd by the Bishops, if they transgress'd 958, 6.

K.

Kenred King of *Mercia* opposes *Theodore* 679, 4.
Kent purchaseth Peace of the *West-Saxons* 693. *Pf.*
King, Penalties for Offences against him 602, 3, 4.
his share of the Foreigners Weregild 693, 11.
Penalty of fighting in his Presence 693, 6.
for breaking his House 693, 12.
for killing his Godson 693, 14.
not to violate Rights of the Church 692, 2.
not to choose Prelates 692 3.

freely

freely to be obey'd and pray'd for 696, 1.
his word valid without Oath 696, 17.
Prayers to be made for him and his great Men
747, 15, 30.
his Power over Thieves 696, 26.
how to be chosen and crowned 785, 12.
how to be honoured *ibid.*
a Curse against them if they violate what hath been
tified by the Sign of the Cross 816, 6.
permitted by Bishops to take Mulcts for Sin 877.
Breach of Suretyship with him, how penal 877.
had Power to dismiss a Nun from Monastery 877,
King's Priest, what 877, 16.
Burglary committed in his Burrough, how penal 877.
to be subject to Bishops in *Sacris* 943, 2.
what Counsellors he ought to have *ibid.*
a Murderer not to come into his Presence, till
944, 3.
nor any great Criminal, unless as a Suppliant 1009,
Conspirators against him how to be treated 1009,
his Protection equal to that of the Church 1017, 2.
when and where it prevailed 1064, 12.
to be Advocate for Clerks and Strangers drawn in
Crimes 1018, 11.
to constrain Men to make Satisfaction to Bishop
1064, 3.
to outlaw with his own Mouth Violators of Chur
Protection 1064, 7.
his Right to Treasure trove, and to half in the Chur
1064, 13.
a pretended Law that he may forfeit his Crown *ibid.*
King's Thane 693, 12.
his Purgation 796, 19.
Kirton in *Devonshire*, a Bishop's See 908.

L.

Lah-cheap 950, 56.
Lammas, or *Peter-mass*, the Feast of St. *Peter ad Vincu*
Aug. 1.
Day assign'd for paying Peter-pence 958, 4. 960,
1009, 11. 1017, 9. 1064, 11. 1065, 3.
Land-cheap 950, 56.
Laymen forbid to invade Churches 692, 2.
forbid to share in Mulcts paid by Ecclesiastics 734, 8
they who defile Nuns to forfeit as for a double Ad
tery *ibid*
to communicate on the three great Feasts 740, 38.
not to teach unask'd before a Clerk 740, 85.

not to condemn the Ecclesiastical Judicature 740, 86.
not to testify against Clergymen 740, 144.
may baptize in Extremity 740. MS. 95.
therfore ought to have the Eucharist with them in their Travels 740. MS. 95.
forbid to walk about in Cloisters of Monks or Nuns 747, 20
to have every one his own Wife 785, 16.
not to go too near the Altar at Mass 994, 6.
not to choose Lords over God's Heritage 796.
Stor, his Order and Office 957, 12.
gates from *Rome*. *See John* Precentor 679, 9.
Gregory and *Theophylact* 785. *Pf.* and *Pf.*
nt. *See* Fasts.
a Crime was doubled as to its Penalty for being then committed 877, 5--20. 1018, 18.
not keeping it declared damnable, and how, and why 994, 37.
nten Vail 877, 17.
nts kept by the most superstitious, three in the Year, and enjoin'd in Penance 5, or 7.
at the Discretion of the Confessor 963, 43,46. 740,162. 740. MS. 94.
rwes, two Minters there 925, 4.
iars to get them gone out of the Land 1018, 7.
ight-Scot 878, 6. 1009, 12, 13.
the three Times of paying it 1017, 12.
ight to be always burning at Mass 960, 42.
ichfield, of the division of that Diocese, and Succession of their first Bishop 673, 9. 679, 4. *See Aldulf* and *Canterbury*.
indisfarn or *Holy Island* made a Bishop's See 679. *Pf.*
several Bishops there of the British or Welsh Communion *ibid.* 680. *Pf.*
indsey, or *Lincoln*, a Bishop's See erected there 679. *Pf.*
itanies or Processions to be observed 747, 16.
Pope *Gregory*'s and *Augustin*'s Name to be inserted into the Devotions then used 747, 17.
ondon intended for the See of the Primate of this Province 601, 7. 680. *Pf.*
again proposed by *Kenulf* King of *Mercia* 796. *Pf.*
a Place of Council 925, 7 and 8.
eight Minters there 925, 4.
ord's Advantage to keep Faith with his Men 1017, 19.
ord's-*Day*. *See* Sunday.
to be duly observed 740, 36, 104. 747, 14. 943, 9.
Bishops to be ordained on that Day 740, 96.
Prisoners to be indulged on that Day 740, 105.

Luidhard,

Luidhard, French Bishop at *Canterbury* when *Augustin* came there 601, *Pf.*
Lyblac 925, 3. 944, 6.

M.

Magbota, the part of the Weregild belonging to the Relations of him that was murdered 693, 14.
Maid, betrothed and taken captive, might claim her Spoil when she returned 963, 35.
he that steals a Maid shall marry her 963, 45.
Malefactors condemned not to be denied shrift 878, 5.
not to be executed on Sundays 878, 9.
suffering loss of Limb, and surviving the third Night might be cured 878, 10.
Manbote, the Lord's share of the Weregild for his murder Man 693, 14. 1064, 12.
Manens, a Ploughland or Tenant of it 734, 1.
Mansa, one ought to belong to every Church, and that t pay no secular Service to the Lord 740, 25.
Mass, Bread, Wine and Water to be prepared for it 740, 9 960, 39. 994, 5.
when to be celebrated in a private House 957, 1 960, 30. *See* Eucharist, Housel, Altar, Priest.
not to be celebrated by Priest alone 960, 35. 994, 7.
and in a Church only, or Tent in the Army 994, 11
to be said softly in the Oratories, and why 994, 4
contra Paganos every Morning during Danish Invasi 957, 37. 1014, 3.
Mass-Vestments 960, 33.
Mass-Priest. *See* Priest.
Masters of Churches 673. *Pf. Lat.*
Matrimony with Cousin Germans forbid 601, 5.
in what degree allowed 601, 5. 740, 130. 950, 5 1009, 8. 1017, 7.
forbid with Godmother, Nuns, *&c.* 740. 29. 850, 5
forbid to the seventh degree 740, 131——138.
how to be solemnized 740, 88.
none but that of one with one allow'd 1009, 8. 1017, 747, 23. 950, 52.
annull'd by consent that one or both may become religious 740, 118. 740. MS. 90. 950, 54.
whether the Party not religious may marry a second time 740. MS. 85.
of a Brother with a Brother's Widow disallow'd 74 128. 963, 30.
that Law allegoriz'd 740, 145.
of Priests seems to be allow'd 950, 35. 957. *Pf.*
declaimed against 957, 1, 2, 5, 7.

why not forbid Priests under the old Law 957, 9.
for a Priest to cohabit with his Wife made a Crime equal to Murder 963, 40.
a second allow'd to Laymen 957, 9.
of what Women disqualified Men for holy Orders 740, 32. 740. MS. 79. 957, 8.
they in this State admonished to communicate 747, 23.
not to dismiss each other 950, 54. *See* Divorce.
Measures. *See* Weights.
Mid-winter, Christmass so called 693, 13; *&c.*
Mind-day 877, 20.
Minster, a Monastery or great Church 693, 6.
to continue as founded 692, 1. *See* Monastery.
Minster-house, Place of Sanctuary near the Church 877, 2.
Minster-Priest, he who belong'd to some Religious or Collegiate Church 960, 46.
Minters, where, and how many 925, 4.
Missal or Mass-Book, the Roman from beginning used here 601, 2. 734, 16, 1, 2.
Monastery not to be molested 673, 3. 816, 8. *See* Books.
some time governed by such as were not Priests 696, 18. 734, 7. 747, 5.
some had two Heads 734, 11.
belonged to some as a Property *ibid.*
a stop put to these Practices 796, 816, 8.
Monks not to leave their Houses 673. 4.
to observe their Rule 693, 1.
not to be entertained without Licence 696. 8.
how to purge themselves from Impeachment 696, 23. 734, 3.
most Clergymen Monks of old 734, 6.
in some cases to be torn from Monasteries by secular Force 734, 14.
ought not to conspire against Bishops 740, 59.
to be subject to his Abbot, and have no Property 740, 62.
not to break his Vows 740, 65. 943, 6.
in what case to be whip'd, and lose his Tonsure 740, 67, 68.
forbid Flesh and Fowl, except when sick 740, 69.
to be Monk deem'd a perpetual Penance 740, 61, 77.
not to sit as secular Judges on Clerks 740, 143.
not to bear Arms 740, 160.
ought to carry the Eucharist with them in their Travels 740. MS. 95.
forced to work in the King's Buildings 747. *Pf.*
their Behaviour regulated 747, 20, 29. 785, 4. 1009, 1.
to avoid drinking before Noon 747, 21.

to be always prepared for Communion 747, 22.
to be tried before they receive Tonsure 747, 24.
Affectation, secular Apparel forbidden them 747, 28.
they that stroul'd to return to their Houses 747, 29.
to keep close to their Houses, and labour 943, 6.
they are no proper Order 957, 18.
to be true to their worldly Lords 960, 1.
Stroulers, how to reform themselves 1009, 1.
to sing the sixth Psalm with Limbs extended on the Ground 1014, 3.
and thirty Psalters on an extraordinary Humiliation *ib.*
Monkery greatly encouraged by Popes 601. *Pf.*
Money, to be every where the same 925, 4.
Places where to be coined *ibid.*
value of ancient Denominations uncertain 926. 2.
to be reformed 1009, 22.
Murderers to get them gone out of the Land 1018, 6.
to be delivered to the Kindred of him that is murder'd 1018, 27.
Musical Consorts forbid to Bishops 679, 5.
Mynikons, strict Nuns 1009, 1. 1017, 6.

N

Necromancy. *See* Sorcery.
Noon, originally None or Nones; three in our Afternoon, how it came to vary in its Signification 958, 5. *See* Hours.
Northumbrians converted, and their whole Kingdom but one Diocese 679, *Pf.*
Nuns, their Behaviour regulated. 747, 19, 20. 785, 4.
forbid gaudy secular Apparel 747, 27.
they that stroul to return home 747, 29.
a Nun called a Spouse of *Christ* 785, 16.
how treated if she married 877, 6.
a double Mulct for handling her Breasts or Weeds 877, 10.
Marriage with her incestuous 943, 7.
defiling her, how punish'd 944, 4. 950, 52.
their Defilers, and they how punish'd 950, 53.
if they eloped, to make Satisfaction at Sheriff's Discretion 963, 36.
might hear Mass in their Oratories on Festivals 994, 45.

O

Oaths of old valued according to the Wealth of the Deponents 693, 9. 926, 3. 734, 1.
made by laying Hand on Altar 696, 18---24.
or on the Cross. 734, 3.

or on Relicks or Books 1014, 2.
of Chastity 740, MS. *Ps.*
taken of King and Bishops to observe Decrees of Council 785, *Ps. Lat.*
forbid on Feast Days 878, 9. *See* Feasts.
Oblation of Eucharist to be made in consecrated Places only 740, 52.
none for Self-murderers or Malefactors 740, MS. 96.
Oblations of the People, how divided 601, 1.
Obiit of Bishops to be kept 816, 10.
Ode the good Archbishop of *Canterbury*, though a *Dane* by Birth 943, *Ps. Lat.*
not a Monk, till nominated to this See, his Barbarity 943, *Ps.*
he removed St. *Wilfrid's* Corpse to *Canterbury* 680, *Ps.*
Offa King of *Mercia*, in League with *Charles the Great* 785, *Ps.* and *Ps.*
the synodal Edicts sent him by that Emperor 785, 4.
he made Laws, now lost 877, *Ps. Sax.*
dismembers the Province of *Canterbury*, goes to *Rome*, grants Peter-pence 785, *Ps.*
Offering to Devils, how penal 696, 13, 14.
Oils for Baptism, and Unction of the Sick, distinct 957, 32.
the first not to be put into the Font, but upon Baptism 957, 37. 960, 66.
Ordeal, that is, Trial by Fire or Water; the Manner of it 925, 5 and 8.
to be done under the Inspection of Bishop, or his Minister 1064, 10.
to be used only when the Party could make no other Purgation 1065, 2.
and by Persons of inferior Rank 960, 62.
the *English* put to it, the *Normans* excused 1064, 7, 8.
the Rise and Fall of it 1065, 2.
never used on Feasts and Fasts 878, 9. 925, 2, 3.
Orders of Clergy, seven particularly specified 625, 1—7. 957, 10—17.
Ordination of Bishops always on the Lord's Day 740, 96.
of Priests, Deacons, *&c.* on *Saturday* in Ember Week 734, *Ps. Lat.*
Simoniacally given, null 740, 43.
not to be conferr'd without a Council of Priests 740, 44.
nor without a Title 740, 51.
nor to such as are possess'd 740, 83.
nor without previous Examination 747, 6.
Orientals 785, 4, 19.
Osred King of *Northumberland*, no Friend to the Church 747, *Ps.*

Ostiary, his Order and Function 957, 11.
Oswald Archbishop of *York*, an Enemy to married Clergy 950, *Pf.*
Oswald a religious King of *Northumberland* 679, *Pf.*
Out-law'd by God and Man, a Sentence pass'd on Apostates 1018, 2.
and on those who violated the Churches Protection, and refused to be brought to Satisfaction 1064, 7.

P

Pagan Superstitions not to be used 740, 147, 148, 1018, 5.
particularly recited 785, 19.
the Penalty of practising them 878, 2. 950, 47, 56.
their Songs not to be used in Christian Feasts 960, 18.
their Modes of shaving not to be imitated 960, 20.
Pall the Archiepiscopal Robe.
sent by Pope *Gregory* to *Augustin* of *Canterbury* 601, *Pf.* and 6.
sent to *Paulinus* Archbishop of *York* 679, *Pf.*
recovered by *Ecgbright* after one hundred Years Intermission 734, *Pf.*
Parchment used for writing Letters 734, *Pf. Lat.*
Pater noster and Creed to be taught to all 994, 22. *See* Burial.
a Tale of them said by Studs fix'd on Belts 816, 10.
sixty redeem'd one Days fasting 963, 72.
Paulinus Archbishop of *York* without a Suffragan 679, *Pf.*
died Bishop of *Rochester* 679.
Peace. *See* Protection.
Pedigree to be kept by all to the seventh Generation 740, 137.
Penitent ought to be received 740, MS. 88.
and to communicate before his Penance is finish'd 740, 39.
Penitential, or *Penitentiary*, the Book containing the certain Penance, that is, Fasting Alms, or Austerities to be perform'd for every Crime 957, 21. 673, *Pf.*
Penance, publick or solemn, to be given by the Bishop on *Ash-Wednesday* 963, 12, 13.
Penance to be denied to none that want it 740, 40.
to be done by an Officer of the Army for Fornication 696, 5, 6.
by the comman Man for the same 696, 6.
for Murder 734, 12.
for violating Sepulchres 740, 74.
for violating Sanctuary 740, 75.
for a second Marriage 740, 89.
for doing the conjugal Act on Sundays or Fasts 740, 106.
for marrying after Divorce 740, 122.

Penance

Penance for a Man Slave, who being freed, dismisses his Slave Wife, and takes another 740, 124.
for marrying Godmother, Nun, or near Kinswoman 740, 132.
for lying with two Sisters 740, 136.
for Priests and Clerks committing Murder 740, 161, 162.
for Sorcerers, and such as use Pagan Rites 740, 148.
for Clerks and others committing Murder 740, 162.
for such as are excommunicate, *ibid.*
for Murder of all sorts 740, MS. 94.
for letting a Child die unbaptized 740, MS. 95.
for wilful Murder 963, 15.
for Intention of Murder 963, 16.
for unwilful Murder 963, 17.
for murdering a Subdeacon, Deacon, *&c.* 963, 18.
for murdering ones own Child 963, 19.
for a Woman murdering her Child 963, 21.
for murdering a Slave 963, 22.
for murdering a Husband or Wife in Jealousy 963, 23.
for Sodomy 963, 25.
for Adultery 963, 26.
for contracting second Marriage while the first subsists, and for them that were present at the Contract 963, 27.
for Bishop, Priest, Monk, *&c.* guilty of Murder 963, 20—37.
for murdering any Ecclesiastic, or near Kinsman, the Penance is reserved to Pope 963, 38.
for a Priest that broke Marriage 963, 39.
for a Priest or Monk that received his discarded Wife 963, 40.
for defiling a Nun, and for the defiled Nun 963, 41.
for desiring a Woman unlawfully 963, 44.
for him that steals a Maid, and for the Maid 963, 45.
for Sodomy 963, 46, 51.
for Self-defilement 963, 47.
for Murder by Witchcraft 963, 48.
for staking a Man 963, 49.
for procuring Love 963, 50.
for overlaying a Child 963, 52.
for letting a Child die unbaptized 963, 53.
for selling a Christian into a heathen Countrey 963, 54.
for Perjury 994, 27.
Times for Penance to be determined by Bishop 740, MS. 92.
not to come into the King's Presence after Murder, till Penance is begun 944, 3.
the manner of the Priest's giving Penance 963, 10—14.

Monkery, or severe Pilgrimage, the deepest Penance 963, 64, 71.
not to come within a Church, yet to affect holy Places 963, 65.
to go to them with a Light, to be hospitable to it 963, 69.
to use corporal Severities, particularly the Cold-Bath 963, 63, 65, 70.
Redemption of Penance by a Penny a Day 963, 71, 72.
Mock Penance 963, 75—77.
People in a Civil or State Council in *Kent* 696, *Pf. Sax.*
Perambulation Days 926, 1. *See* Litanies.
Perjury declared to be a capital Crime 994, 26.
they who commit it, to be driven out of the Nation 878, 11. 944, 6. 1009, 4. 1018, 6.
their Oath for the future null 925, 7.
Peter-Mass. *See* Lammas.
Peter-pence given by King *Ine* 693, *Pf.* by King *Offa* 785, *Pf.*
how, and where to be paid 950, 51. and by whom collected 950, 51.
he who made Default to carry it to *Rome* 958, 4.
when to be paid 960, 54, *&c.* 1009, 11.
an Ox to be taken from the Tenant that refuses Payment 950, 51.
new Laws to enforce the Payment of it 1017, 9. 1064, 11. 1065, 3, 4.
Pilgrimage enjoin'd to such as hurt or murder Clerks 740, 61. 963, 38.
to such as oppose Discipline 740, 61.
to such as are sacrilegious 740, 73.
to such as commit Murder within Verge of the Church 740, 77.
or that kill a near Kinsman 963, 38.
Plays forbid to Bishops 679, 5.
Plegemund Archbishop of *Canterbury*, consecrates seven Bishops at once 908.
Plough-Alms 878, 6. 960, 54. 1009, 10.
occasional Plough-Alms 1014, 1.
Plough-Land, how much of old 734, 1. 1014, 1.
Pope's Growth of Authority 681, *Pf.*
his meddling with *British* Affairs 679, 680 *per tot.*
the ordering of all Churches attributed to him by his Creatures 680, 1.
in what Case giving of Penance was reserved to him 963, 38.
Poor, their Share in Oblations, *&c.* 601, 1. 740, 5.
Praying by the Spirit, that Phrase abused 747, 27.
Prayers for such as cannot say *Pater noster* 994, 23.

how

how Lay-men were taught to pray to God and Saints 994, 23.
for the Dead 747, 27. 816, 10. 940.
Presbyteress 740, 133.
Priest signifies or includes Bishop 673, *Pf. Lat.* 734, 8. 740, MS. 43. 747, 5, 30. 785, 3, 11. 679, 5.
Priest of the second Order.
in what case he might or might not say Mass 601, 9.
Penalty of robbing him 602, 1.
his Punishment for violating *Sunday*'s Rest double 693, 3.
for conniving at Uncleanness, neglecting to baptize, and Drunkenness 696, 7.
how to purge himself from an Impeachment 696, 18. 1017, 5.
of what Availment his Oath was 734, 1.
not sufficient of it self to prove a nuncupative Will 734, 2.
he must produce Vouchers for his Purgation 734, 3.
when ejected, not to be received till he submit to Bishop 734, 4.
his Punishment for deserting his Church 734, 6.
if a Foreigner, not to be received without his Bishop's Letters 734, 9.
what Crimes disqualify'd a Man for taking or exercising this Order 734, 15.
'tis his Duty to read and execute Canons 740, *Pf. Lat.*
to raise Churches, and take care of Relicks 740, 1.
yet not at his own Cost 740, MS. 43.
to observe the Hours of Prayer 740, 2.
to preach on Sundays and Holydays 740, 3.
to teach People to set out their Tithes 740, 4.
to receive and share them 740, 5. 957, 24.
to teach People Lord's Prayer, Creed, *&c.* 746, 6.
to pray for the Emperor 740, 7. and for his Bishop 740, 8.
to celebrate in consecrated Places only 749, 9. 950, 13.
to observe Rites and Times of Baptism 740, 10.
to baptize the sick at any time 740, 11.
not to sell Sacraments 740, 12.
to live and die in his proper Diocese 740, 13.
to avoid Drunkenness 749, 14. 957, 29.
to dwell with no Woman 740, 15. 994, 12.
not to sue in temporal Courts 740, 16.
not to bear Arms, or raise Strife 740, 17. nor frequent Taverns 740, 18.
not to be a Swearer 740, 19.
to administer Penance and Eucharist to the Sick 740, 20.
to anoint the Sick 740, 21.

Priest to have Eucharist in Readiness for the Sick 740, 22.
to be placed and displaced with Bishop's Consent 740, 23, 56.
to pay no secular Service for his Manse, *&c.* 740, 25.
to have a House for entertaining Strangers 740, 26.
if chaste, he is a Confessor 740, 28.
forbid a subintroduced Woman 740, 31.
what Marriage disqualifies Men for this Order 740, 32. 957, 8.
for what Crimes to be deposed 740, 33.
to deny Penance and Baptism to none that want them 740, 40. 950, 8.
he need celebrate but one Mass a Day 740, 54.
not to be present at the Feast of a second Marriage 740, 89.
not to be ordain'd before thirty 740, 95.
to provide pure Bread, Wine and Water, for Mass 740, 98.
not to be sent far from his Church 740, 158.
not to bear Arms 740, 154.
by neglecting to baptize, damns a Soul 740, MS. 95.
to mind their proper-Business, and not secular Causes 747, 8.
to be helpful to Abbots 747, 8.
to be an Example to Monks, as well as to Lay-men 747, 9.
had a district assign'd him by the Bishop 747, 9.
to learn and teach others, Lord's Prayer, Creed, Words of Baptism, and Consecration of the Eucharist 747, 10.
that he practise Uniformity, and catechise Children and Sponsors before Baptism 747, 10.
to be exact in pronouncing divine Service, and do not intrench on Bishop 747, 11.
to invite People to Sermons and Masses 747, 14.
to continue in the Title to which first ordain'd 785, 6.
not to say Mass with naked Legs 785, 10.
not to be judged by secular Men 785, 11.
how to be treated, if guilty of Murder 877, 12.
to shave another Man like a Priest, how penal 877, 15.
King's Priest, what 877, 16.
his Punishment for Mistake in a Feast or Fast 878, 3. 950, 11.
or for not fetching the Chrism 878, 3.
his Oath of the same Availment with a Thanes 926, 3.
he is to go in his Habit, and give good Example 943, 4.
to bless the espoused Couple 946, 8.
to help his Mates in repelling Wrong 950, 1.
not to take another's Church, unless forfeited 950, 2.

Priest

ieſt to find Security for obſerving the Prieſt's Laws 950, 2.
not to officiate contrary to Biſhop's Injunction 950, 3.
not to tranſgreſs the Biſhop's Edict 950, 4.
not to lay an Eccleſiaſtical Cauſe before Lay-men 950, 5. 960, 7.
not to tranſgreſs the Archdeacon's Command 950, 6.
not to officiate contrary to his Injunction 950, 7.
not to neglect fetching the Chriſm 950, 9.
not to be ordain'd by an improper Biſhop 950, 12.
not to celebrate without a hallow'd Altar 950, 14.
nor in a wooden Chalice 950, 15.
nor without Wine 950, 16.
not to be careleſs of the reſerved Houſel 950, 16. 960, 38.
not to celebrate more than thrice a Day 950, 17.
not to be turned out of his Church without Cauſe, 950, 22.
nor to vilify the Church from which he receives his Honour 950, 25.
not to lodge any unfit thing in the Church 950, 26.
not to alienate any thing from his Church 950, 27.
nor to relinquiſh it 950, 28. 960, 8.
not to vilify another Prieſt 950, 29.
nor to aſſault him 950, 30.
not to help another Prieſt in an unjuſt Cauſe 950, 31.
nor to deſert him in a juſt Cauſe 950, 32.
to warn another Prieſt againſt Hurt deſigned him, 950, 33.
not to neglect the ſhaving of his Head and Beard 950, 34.
not to diſmiſs one Wife, and take another 950, 35.
to ring and ſing the Hours 950, 36. 740, 2.
not to come arm'd into the Church 950, 57.
to obſerve the yearly Order of Service 950, 38.
to adminiſter Ordeal regularly 950, 39.
not to conceal his Tonſure 950, 40.
not to be a Drunkard, Muſician, *&c.* 950, 41. 960, 57.
not to conceal Delinquents in his Diſtrict 950, 42.
to give Notice of annual Church Rights 950, 43.
not to decline the Synod 950, 44.
not to withſtand the Biſhop's Sentence 950, 45.
he has the Order of *Aaron*'s Sons 994, 1.
his Hands anointed in Ordination, *ibid.*
to work at ſpare Hours after reading 994, 1, 2.
to be employ'd in Prayer and good Works 994, 3.
to go to Synod with Books, Veſtments, *&c.* there to celebrate 994, 4.
to bake Bread for Euchariſt, or ſee it baked 994, 4, 5.
not to ſay Maſs alone 994, 7.

Prieſt

Priest to be very precise in Conversation 994, 13.
not to decoy to his Church the People of an[illegible] Priest 994, 14.
not to decoy assisting Priests from another 994, 15.
nor by Bribes to get another's Church 994, 16.
must baptize a sick Child brought to him from [illegible] Place 994, 17. 957, 26.
to have a School in his House, and to teach [illegible] 994, 20.
may send any Kinsman to the Bishop's School 994, [illegible]
to give account to Bishop of the Conversions he [illegible] wrought 994, 28.
if he celebrate in an Oratory, not to draw People [illegible] high Mass in the Church 994, 45.
must not countenance second Marriage 957, 9.
the difference between Bishop and Priest 957, 17.
for whom especially to pray 957, 20.
to be Book-learn'd, and to explain to People Cre[illegible] *Pater noster* and Gospel 957, 23.
not to sell any Ministration 957, 27.
not to remove for Gain 957, 28.
not to be a Trader, Soldier, Pleader, Good-fellow, [illegible] Swearer 957, 30.
how to administer Sacraments 957, 31.
not to affect secular Places 957, 34.
nor to hunt after dead Corpses, make merry ov[illegible] them, *&c.* 957, 36.
his Apparel regulated 957, 36.
how to go to Synod 960, 4.
to inform against those that have been injurious to hi[illegible] 960, 6.
nor to interfere with another Priest 960, 9.
nor to take another Priest's Scholar 960, 10.
to teach manual Arts 960, 11.
the learned not to reproach the unlearned 960, 12.
nor the noble the ignoble 960, 13.
to be a fair Dealer 960, 14.
not to delay giving Baptism 960, 15.
to advance Christianity, and extinguish Heathenism 960, 16.
not to celebrate alone, nor more than thrice a Day 960, 17.
what he must have in a Readiness when he celebrate 960, 39.
to eat the Housel as often as he celebrates 960, 40.
not twice to consecrate the same, *ibid.*
to look out his Tide-Song 960, 45.
not to come into Church without his Stole 960, 46.

Priest to be uniform in bidding Feasts and Fasts 960, 48.
and to keep equal Pace with others in Church Service 960, 50.
to instruct Youth, and dispose them to Trades 963, 51.
to preach every Sunday 960, 52.
to remind the People of paying Church Right 960, 54. 950, 43.
to sign Psalms at distributing Alms 960, 56.
not to be a Swearer 960, 59.
not to be Complice in False-witness, Theft, *&c.* 960, 60.
to make his Purgation by Oath, not by Ordeal 960, 61.
but not except the Thane take the fore Oath 966, 63.
must divert himself with no Game but his Book 960, 64.
forbid Hunting, Hawking, and Dice, *ibid.*
his Duty in giving Penance, the Housel and Unction, to the sick, *ibid.*
his Penance for Murder 963, 18, 20.
to have no Wife 1009, 2.
if chaste, equal to a Thane 1017, 6. 1009, 2.
not to be turn'd out of his Church without Bishop's Consent 1009, 9.
to sing thirty Masses on an extraordinary Humiliation 1014, 2.
he, with Reeve and Tything-Man, to make Oath of the due Observation of the publick Humiliation by all within their District 1014, 2, 3.
the Dignity of his Office 1017, 4.
if engaged in a Feud—— 1017, 5.
especially to guard his Chastity 1017, 6.
to be enjoin'd Pilgrimage by the Pope for any grievous Crime 1018, 12.
being rich, neglected their Tithes to the Detriment of the Church 1064, 9.
Primacy. *See* Archbishop.
Prison. *See* Gaol.
Processions performed bare-foot 1009, 2.
Protection of the Church and King equal 878, 1.
Penalty of violating it 602, 1—5. 696, 2. 1064, 1. 1064, 7.
the Penalty of it in Proportion to the Dignity of the Church 950, 19.
the King's extended to the four great High-ways 1064, 12. *See* Sanctuary.
Provinces. *See* Archbishops.
Psalms, the meaning of singing them for others 747, 27.
Psalmody required of the Clergy 601, 2.
at Confession of Sin 994, 30.
to be uniform and agreeable to the *Roman* Fashion 747, 15

spiritual 747, 27.
to be used at giving Alms 960, 56.
prescribed as a Redemption for Fasting 963, 72.
Puberty, Lay-men arrived at this Age, either to marry or profess Chastity 740, 113.
Purgation of the whole Nation from notorious Criminals, by driving them out of the Land, decreed by King and Council 878, 11. 1018, 4, 5. 1009, 1, 3, 4, 5, 21, 29.
Purgation, or clearing ones self from Impeachments by Oath of ones self and others 693, 9, 10, 12. 696.
how perform'd by several Ranks of Men 696, 18—21.
Criminals not allow'd to be Vouchers, or Compurgators 740, 143.
for Adultery, or attempting it, how to be made 877.
for denying Shrift to Malefactors 1018, 16.
for laying Hands on Ecclesiastics 1018, 13.
to be triple, if the Crime be supposed to have been committed on a holy time 1018, 18.
for opposing Church Rights 1018, 19.
for breaking into a Monastery 1064, 2.

R

Rapparees. *See* Robbers.
Ravishing of Women, how penal 877, 13. 1018, 23.
Reading of Fables forbid 960, 20.
of Scripture enjoin'd 679, 5.
Rector or Superior, to do nothing without Consent of Brethren 740, 46.
not to be so studious of worldly, as spiritual Profit 747, 7.
Reeve of the Church to indulge Prisoners on Sunday 740, 105.
of the King subject to the Bishop 925, 7. and *Ps. Sax.*
Reformation of all Orders of Men. *See* Purgation.
Relicks of Saints required diligently to be preserved 740, 1.
carried in Procession 747, 16.
Religious. *See* Monks, Canons, Nuns.
Ripon had *Eadhed* residing there, after his Expulsion from the See of *Lindsey* 679, 4.
Monastry there founded by *Wilfrid* 680, 6.
Robbers, how treated 1009, 27.
to be gone out of the Land 1018, 7.
Rochester, three Mints there, one for the Bishop 925, 4.
Rogations. *See* Perambulation, Litanies, Processions.
Rood. *See* Cross.
Rome-Fee, *Rome-Scot*. *See* Peter-pence.
Rome, Privileges granted there, null'd in some Cases 785, 8.

INDEX.

S

abbath. See *Saturday.*
acrilege, how punish'd 601, 3. 740, 72, 73, 119.
aint Worship 747, 17. 994, 23.
anctuary, that is, Impunity of such Criminals as fled to Church.
practised here 602, 1, 4. 693, 5. 740, 75, 76. 877, 2. 1064, 6.
not allow'd for any Crime committed in Church, 740, 78.
regulated 877, 1, 2, 4.
Church and King's House were Sanctuaries 945, 1.
King's House none, till Penance was begun 945, 3.
some more powerful than others 1017, 1.
so was the Punishment for violating of them 1017, 2, 3. *See* Protection.
atisfaction to God, or the Church, (*see* Penance) necessary for all Sin 994, 33.
toward God, was to be according to the Canon-Book, or Penitential; Satisfaction to the World by Doom-Book, or secular Law 1018, 9.
atisfaction of both sorts expressly required by secular Law, *viz.*
for selling a Man beyond Sea 693, 8.
for unrighteous Copulation 696, 5, 6.
for killing a Man in Orders a Weregild and Mulct, yet religious Shrift 725, 1, ——7.
for Breach of Suretyship, as the Law for Breach of Covenant as the Shrift directed 877, 1.
a vicious Priest was to pay his Weregild, yet to make Satisfaction to God according to Canon 878, 2.
Incestuous were to pay their Weregild, yet to make Satisfaction to God as the Bishop directed 878, 4.
Perjurors were disabled, yet must make Ecclesiastical Satisfaction 925, 7.
the Murderer must pay his Weregild, yet make Satisfaction as the Bishop directed 944, 3.
if a Child died unbaptized, beside the Mulct, ther was a Satisfaction to be made to God 950, 10.
Contumacious were to make Satisfaction by divine Discipline, as well as worldly Correction 1009, 31.
Breach of Protection, beside Mulct, was to be compounded with God 1017, 2.
the criminous Priest was to make Satisfaction both to God and the World, as Bishop directed 1017, 5.
in Crimes for which Men forfeited themselves, Satisfaction

faction was required both to God and the W
1018, 2.
Satisfaction pecuniary to the Church, how to be dispen
734, 12. 1009, 31.
Satisfaction secular to the King, Lord, or injured b
for hurting one that came to the King 602, 2. u
drinks with him 602, 3.
for robbing a Freeman 602, 4.
for Adultery 602, 6.
for House-breaking 693, 12.
for Uncleanness 696, 5, 6.
for causing his Slave to work on Sunday 696, 10.
for the Slaves working unbidden 696, 11.
for the free Servant that does this 696, 12.
for all such Offenders 1018, 15.
for eating Flesh on Fast-Days 696, 15, 16.
for murdering *&c.* Men in Orders 725, 1, 7. 1018,
a Priest 1018, 10.
for receiving Runagate Clerks or Monks 734, 7.
made sometimes by the Church for delinquent Cl
or Monks 734, 8, 14.
for hurting a Clerk 740, 61.
for violating Sanctuary 740, 75. 877, 2. 945, 1.
these Satisfactions said to be granted to Kings by B
877. *Ps. Sax.*
half forgiven to him who confessed an unknown Cr
877, 4.
for marrying a Nun 877, 6.
for Adultery 877, 7.
for fighting 877. 9.
for Murder committed by Priest 877, 11.
for ravishing 877, 13.
for binding, racking, shaving innocent Men 877, 15.
for taking down the Vail in Lent 877, 17.
for Incest 878, 4.
for trading on Sundays 878, 7. 925, 6.
for Murder by Sorcery, Incendiaries, and Protection
of Thieves 925, 3.
for defiling Nuns, and Adultery 944, 4.
none forgiven for Murder or Fighting 945, 2.
from Priest for invading another's Church 950, 7.
from a Priest for celebrating when under Cens
950, 3, 7.
for bringing a Cause *coram non Judice* 950, 5.
for neglecting to minister Baptism or Shrift 950, 8.
for to fetch the Chrism 950, 9.
from Father who lets his Child die unbaptized 950,
from Priest who misinforms People concerning Feast
Fast 950, 11.

Deacon for being ordained by improper Bishop 950, 12.
r celebrating in unhallowed House, on an unhallowed Altar, in a wooden Chalice, or without Wine 950, 13——16.
or want of care in reserving the Housel 950, 17.
for celebrating more than thrice a Day 950, 18.
for wounding or killing a Priest 950, 24.
for using Heathen Rites, or Sorcery 950, 47.
for travelling on Sundays 950, 49.
for breaking Fast or Feast 950, 50. 1014, 2.
for not paying *Peter's* Penny 950, 51. 958, 4. 1017, 9. 1065, 3, 4.
for not paying Tythes 950, 52. 958, 1, 3.
from a delinquent Judge 958, 6.
from a Norman cast at Duel 1065, 7.
increases in proportion to the Order and Authority of the Offender 1018, 9.
to the King or Lord for abusing Ecclesiastics 1018, 13.
to the King for denying Shrift to Criminals 1018, 15.
for breaking Suretiship with King, Archbishop, Bishop 1018, 28.
none due to him who dies in opposing Church Rights *vi & armis* 1018, 28.
Saturday, or *Sabbath-Day*, a stated Fast 734, 16, 4.
Ordination of Priests *&c.* on Saturday in Ember-Week 740, 97. 734. *Ps. Lat.*
not observed as a Fast 943, 9.
on this Day Men to go to Church with Light 994, 24.
Sundays, Rest of old began on this Day. *See* Sunday.
Saxony, *England* so called 679, 3, 6. 680, 3.
Scholar, how he was to raise himself 926, 4.
Scotish Clergy forbid to officiate here 816, 5.
Scriptures. *See* Reading.
Seculars. *See* Laymen.
Secular Clergy, that is, such as were not either Monks, or regular Canons. *See* Clergy and Clerks.
Seolsey, a *quondam* Bishop's See in *Sussex* 803. *Ps.*
Sepulture. *See* Burial.
Servants of God, Priests so call'd 734, 12. 925, 1. 957, 27.
Monks so called 693. *Ps. Sax.* 696, 23. 740, 61, 77.
both Priests and Monks so called 960, 1. 1009, 2. 1017, 6.
Servants Testamental, the Bishop to appoint what Work they should do 925, 9. *See* Slaves.
Service of the Church. *See* Missal, Hours, Books.
Shaftsbury, two Minters there 925, 4.
Ships, the Penalty of destroying 1009, 23.
Sherburn, an old Bishop's See 803. *Ps.*

Shrift,

[illegible]
[illegible]
[illegible]

Goods then exposed to Sale forfeited 878, 7.
Markets and Courts forbid on that Day 925, 6. 960, 19. 1009, 30. 1017, 15, 1.
no Malefactor then to be executed 878, 9. 1018, 16.
no Travel except about *York* 950, 9.
how time to be spent on that Day 994, 23. 740, 104.
to be kept from Eve till Eve 696, 10.
from Saturday Nones till Munday Light 957, 37. 958, 5.
suspension from Office for neglecting Decrees of Synod 673, *Ps.* 1017, 14.
for neglecting to baptize, conniving at Uncleanness, Drunkenness 696, 7.
synaxes 740, 28. *See* Hours Canonical.
synods how oft to meet 673, 7. 785, 3. and where 673, 7.
five first general Synods or Councils received here 679, *Ps.*
four first to be regarded as the four Books of Christ 957, 33.
Kings and great Men present at Synods purely Ecclesiastical 785. *Ps.* 816. *Ps.*
set Mulcts on Crimes, and granted them to Kings 787. *Ps. Sax.*
Pope commands a Synod of Kings and Bishops to be call'd by Archbishop 679, 6.
a Synod to stop the Invasion of the Danes 816, 7.
synod signifies Archbishop and Bishops, though not sitting 680, 6.
synod Diocesan, in it the Priest to inform the Bishop what Conversions he had wrought 994, 28.
Protection to those who attended them 1064, 3.
in what manner Priests to go to them 994, 4. 960, 4.
particularly with Parchment to write down Instructions 960, 3.

T.

taxation for Reproof, Admonition 785. *Ps.*
thanes, their Qualifications 926, 4.
their Purgation 950, 47.
Kings Thanes Purgation 696, 20.
to help collect Peter-pence 950, 51.
their Forfeiture for not paying Peter-pence, or Tythe 950, 51, 52.
how to pay Tythe, or suffer for Non-payment 958, 1—3.
how he might build, and endow a Church 958, 2.

must give his Fore-Oath, if he impeached a Priest 960, 63.
Thanet-Isle 601, 1. 730, 1.
Theodore Archbishop of *Canterbury* 673. *Pf.*
his Attempt to divide Dioceses 679, 680, *per tot.*
disobey'd Pope's Commands 680, 5.
of the Pope's staying for him to sit with him in Council 679. *Pf.*
Thief may be slain in the Fact, and no Weregild due on this account 696, 25.
Stranger, how convicted of Theft 696, 28.
if taken, how to be treated 696, 26.
forfeits double if he steal in Church, or on Holidays 877, 5.
they who vindicate them, how punished 925, 3.
Thunderfield a place of Council 925, 7, 8.
Tide-song. *See* Hours.
Tiers. *See* Nones or None.
Times prohibited for marrying, in what sense 740, 106. 785, 16.
Tithes, and Penalties for not paying them 693, 4. 740, 4, 5, 24, 99, 100. 747. *Pf.* 878, 6. 943, 10. 944, 2. 950, 51, 54. 1064, 8, 9.
how to be shared 740, 5. 957, 24.
not to be taken from old Churches, to be given to new 740, 24.
to be paid of the Soldiers and Handicrafts Men 740, 100. 994, 35.
he who pays them not to be reduced to a Tenth 785, 17.
they were actually so reduced by temporal Law 958, 3.
to be brought to Church, and there divided 957, 24.
when to be paid at all Saints 1009, 10. 1017, 8.
at Equinox 958, 3.
to be paid as the Plough goes 958, 1—3.
every tenth Acre 1014, 4.
All sorts of Tithes recited and own'd, that *Augustin* preach'd the Payment of them 1064, 9.
Tithing occasional and extraordinary granted by King and Council, to be paid by the King's Reeves for his Land, by Bishops, Aldermen, and all Subjects probably for the relief of poor People plunder'd by the Danes 925. *Pf.* Again 1014, 1. but on Thanes only.
Tithing occasional enjoin'd in Penance 963, 69.
Tithingman. *See* Borsholder.
Title, or Right to serve some Church.
to be pronounced at Ordination 740, 51.
not to be relinquish'd 785, 6.

Tonsure of a Clergyman or Monk 696, 8.
the Loss of it a Penalty 740, 67, 151——153.
not to be concealed 960, 47.
Transubstantiation inconsistent with *Elfric*'s Doctrine 957, 37.
Trees not to be worshipped 850, 48. 960, 16. 1018, 5.
Tributarius 734, 1.

V. U.

Vestments. *See* Habits.
Vigils 734. *Pf. Lat.* 1009, 15. 1064, 7.
Virgins time for their veiling, excepting cases of necessity 740, 90, 91. *See* Maids.
Unction of the Sick 957, 32.
English People averse to it. *See* Oil and Priest.
Universal Bishop declared an Antichristian Title by Pope *Gregory* 601. *Pf.*
yet accepted by Pope *Boniface* 679. *Pf. Lat.*
Vows to be perform'd 785, 18.
Men might be driven to it by secular Law 877, 14.
Usury forbid by Canon 785, 17.
by Law 1064, 16.

W.

Wakes of the Church to be kept soberly 960, 28.
Water Holy 960, 43.
Weights and Measures to be equal 785, 17. 1009, 21, 22.
the Bishop to look to this 925, 9.
Wells made a Bishop's See 908.
Wells, *See* Fountains.
Welsh, or *Britains*, how long they opposed the Roman Easter 673, 1.
Were or Weregild, the Satisfaction to be made in Money for Murder to the Kindred of the murder'd Party, and to the King or Lord 602, 6.
of a Foreigner how to be divided 693, 11.
for a Godfather and Godson 693, 14.
Slaves shared not in the Weregild for their murder'd Kinsman 696, 9.
none for a Thief slain in the Fact 696, 25.
for Clergymen according to their Birth 725, 1.
but additional Mulcts were laid on such as kill'd Ecclesiasticks 725, 1——7. 734, 12.
Were was at King's disposal 734, 12.
how due for murdering a King 877. *Pf.* and 4.
none due for him that died in opposing Law, *&c.* 877, 1. 878, 6. 1009, 27.
to be paid for rejecting Christianity 878, 2.

to be paid by Clergyman guilty of Fighting, Stealing, Perjury, or Uncleanness 878, 3.
by all for Incest 878, 4.
for defiling Nuns 950, 53. 878, 4.
in what case for Sorcery 925, 3.
by Reeves, who disobey the King's Commands 925, 7.
the Were of all Orders and Degrees of Men 926, 2.
the Were of a chaste Priest equal to that of a Thane 1009, 2.
Werham, two Minters there 925, 4.
Whitby, a Conference about *Easter* there holden 673, 1.
Whores to be driven out of the Nation 878, 11. 1018, 4.
Widows, their Privilege, and when they may marry 1009, 19.
Wihtred King of *Kent* could not write 692. *Pf.*
his Bounty to the Church 692. 696, 1. 742. 796.
Wilfrid of *York*, his great Zeal for Roman Easter 673, 1.
and for planting Christianity among Infidels 679. *Pf.* 680. *Pf.*
the account of his opposing the partition of his Diocese 679, 680.
dies at *Rippon*, Bishop of *Hexham*, and is sainted 680. *Pf.*
Winfrid Bishop of *Mercia* deposed by *Theodore* 679, 4.
Winton, or *Winchester*, the Bishop's See there settled by *Hedde* 679, 4.
Witches and Witchcraft. *See* Sorcery.
Witnesses are to be impartial 740, 143.
Wittern in *Gallowayshire*. See of the Bishop of the *Picts* 679, 4.
Wolf's-head, one outlaw'd by the King's Mouth, whom any Man might slay 1064, 7.
Women, how soon after Child-bearing they might go to Church 601, 8.
ought to suckle their Children 601, 8, 4.
not to be repell'd from the Communion for what they cannot help 601, 8, 5.
but should in some cases willingly refrain 601, 8, 6.
sub-introduced forbid to Clergymen 740, 31.
not to assume to themselves to be Teachers 740, 87.
required at Puberty to marry, or profess Chastity 740, 113.
may marry a second Husband a Year after the Death of the first 740, 116.
if divorced, not to marry till former Husband's Death 740, 120.
may marry again if Husband be taken captive, but how 740, 123.
if adulterous, ought not to be retained 740. MS. 85.
on what occasion to abstain from Husband 740. MS. 81.
English said to turn lewd beyond Sea 747. *Pf.*

how

how treated for murdering their Children born, or unborn 740. MS. 94.
attempting their Chastity, how penal 877, 8.
had a Property during Coverture 946, 3, 4, 7.
what may be retain'd by Priests 957, 5.
none may be retain'd by them 994, 4.
not to come near Altar at Mass 968, 44. 994, 6.
Woman breaking Wedlock to lose Nose and Ears, *&c.* 1018, 24.

Worcester, See thereof held by three Archbishops of *York* 740. MS. *Pf.*
Bishop thereof had two half Procurations given him in two Monasteries said to be in *Hereford* Diocese 803. *Pf.*

Wulfine, or *Wulffine*, several Bishops of that Name 957. *Pf.*

Wulfnoth's Treachery 1009, 23.

Wulfred Archbishop of *Canterbury* deprived of his original Authority 816. *Pf.*

Wulfstan Archbishop of *York* a Favourer of the *Danes* 950. *Pf.*

Y.

York. *See* Archbishop of *York.*

Z.

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